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L A W S

OF THE

REPUBLIC OF HAWAII

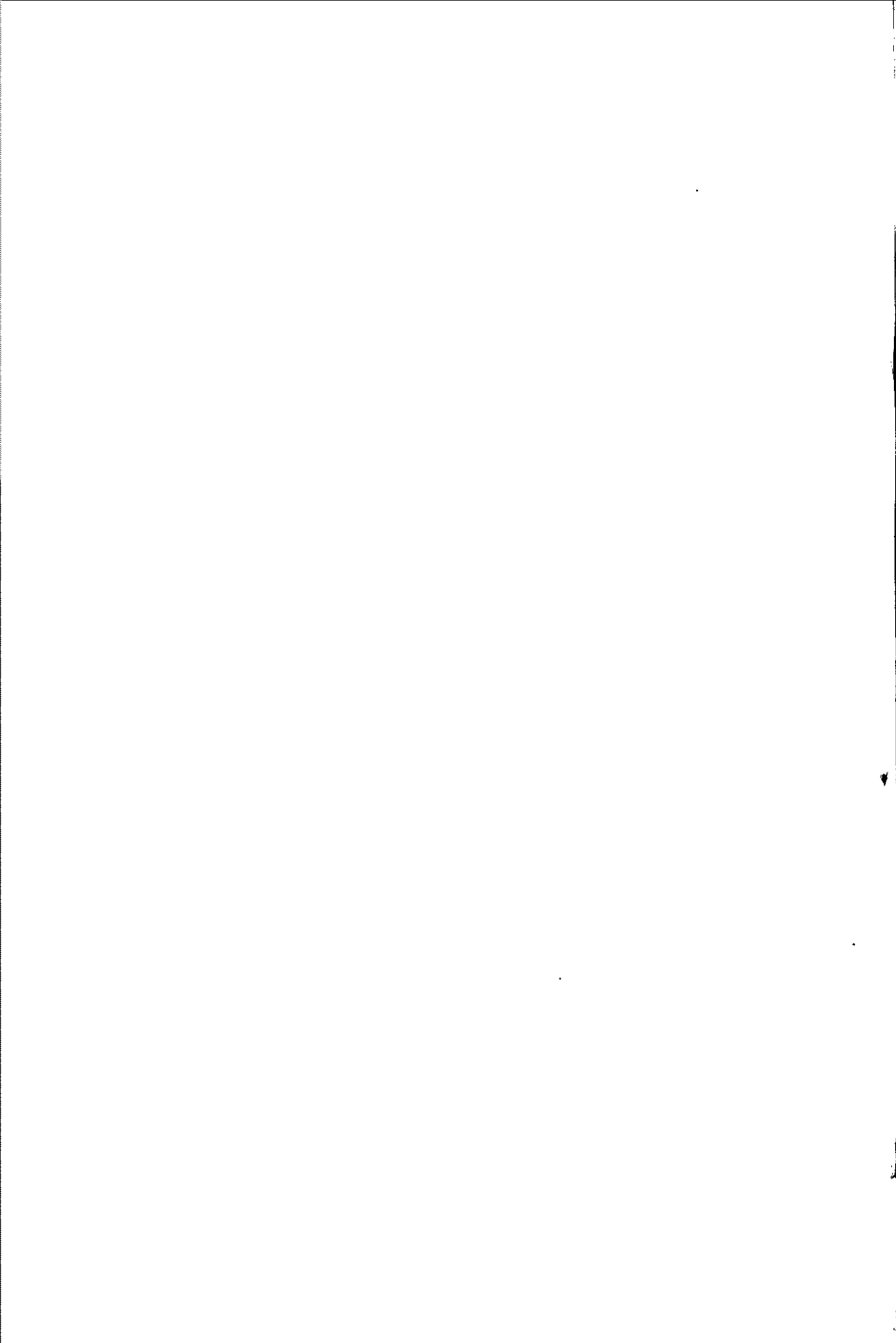
PASSED BY THE

LEGISLATIVE ASSEMBLY,

SPECIAL SESSION, 1895.

HONOLULU:

ROBERT GRIEVE, STEAM BOOK AND JOB PRINTER,
209 Merchant Street (up stairs).
1895.



LAWS OF THE REPUBLIC OF HAWAII.

ACT 1.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAISING THE EXPENSES OF THE SPECIAL SESSION OF THE LEGISLATURE OF THE YEAR 1895, FROM THE PUBLIC TREASURY.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. There shall be and there hereby is appropriated the sum of Twelve Thousand Dollars (\$12,000) from the Public Treasury, for the purpose of defraying the expenses of the Special Session of the Legislature of the year 1895.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 2d day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 2.

AN ACT TO CONFER UPON THE MARSHAL AND HIS DEPUTIES, THE SHERIFFS, AND THEIR DEPUTIES, THE POWER TO ADMINISTER OATHS.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Marshal and his Deputies and the several Sheriffs and their respective Deputies are hereby authorized to administer oaths in all cases in which oaths are by law authorized or required to be taken or administered, or in which the administering of an oath may be proper.

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 9th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 3.

AN ACT RELATING TO THE RESTRICTION OF CHINESE IMMIGRATION.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. It shall be lawful for the Minister of Foreign Affairs to grant permits as shall be recommended by the Board of Immigration, upon the application of the employers of domestic, agricultural or mill labor, to any Chinese now residing in the Hawaiian Islands under temporary resident's permits issued in accordance with Section 2 of Chapter 80 of

the Session Laws of 1892, to remain in this country as agricultural laborers, or domestic servants.

SECTION 2. Such permits shall contain the condition printed in both the English language and in Chinese characters, that the bearer is allowed to remain in this country solely on condition that while here, he will engage in no trading or mechanical occupation, other than domestic service or agricultural labor in the field, or in rice or sugar mills, and that he whenever he shall cease to follow his vocation as agricultural labor in the field, or in rice or sugar mills or as domestic servant, leave this country, and that for every breach of such condition, he shall on conviction by any District Magistrate, be liable to a fine of one hundred dollars.

SECTION 3. Upon the issuance of such permit to such laborer or servant, the conditions upon which he entered this country shall be void, and the bond theretofore given by him shall be cancelled, and he shall thereafter be subject to all the conditions, restraints, regulations and penalties, which are imposed by law upon Chinese who come to this country to engage in domestic service or agricultural labor in the field, or in rice or sugar mills upon permits issued to them under the provisions of Chapter 80 of the Laws of 1892, as amended by Act 74 of the Laws of the Provisional Government, and Act 27 of the Laws of the Republic of Hawaii.

SECTION 4. Such Chinese laborers and servants shall be included in and be a part of the five thousand Chinese whose entrance into this country is authorized under Section 2 of Chapter 80 of the Session Laws of 1892.

SECTION 5. This Act shall take effect from the date of its approval.

Approved this 12th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 4.

AN ACT TO PREVENT THE WANTON DESTRUCTION OF GAME.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. It shall be unlawful to take, kill or destroy any migratory Wild Duck, Plover, Snipe, Turnstone, Curlew, Stilt or Mud Hen, between the first day of May and the fifteenth day of September.

To take, kill or destroy any Native Wild Duck, Hawaiian Goose, between the first day of February and the fifteenth day of September ;

To take kill, or destroy any Quail or Pheasant, between the first day of March and the fifteenth day of September ;

To take, kill or destroy any Wild Dove or Wild Pigeon, between the first day of February and the first day of July ;

To take, gather or destroy the eggs of any wild duck, mud hen, pheasant, dove, pigeon or quail at any time. To buy, sell or offer for sale, transport or have in possession any of said game at any time when it is unlawful to kill the same.

SECTION 2. Any person convicted before a District Magistrate for violating any of the provisions of this Act, shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

SECTION 3. Chapter LX. of the Session Laws of 1886, entitled "An Act to Prevent the Wanton Destruction of Game," and approved on the 15th day of October, 1886, is hereby repealed.

SECTION 4. This Act shall take effect and be in force from and after its publication.

Approved this 19th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 5.

AN ACT TO AUTHORIZE THE GRANTING OF A FRANCHISE FOR
MANUFACTURING AND SUPPLYING ELECTRIC LIGHT AND
POWER IN THE TOWN OF HILO.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of Interior is hereby authorized to grant to the Hilo Electric Light Company a franchise for the term of fifty years from the date thereof, granting to the said company the right for said term to manufacture and supply electric light and electric power, in the town of Hilo, on the Island of Hawaii.

SECTION 2. The said company, under the supervision of the Minister of the Interior, shall have the right to place poles and hang wires for the transmission of electricity in the streets and public places; on the wharves and elsewhere as it may be required from time to time. It may take its water pipes under the highways and public roads, and across lands, where such is necessary to the exercise of its franchise; but such use shall not be made across private property unless, upon failure to agree with the owner of such property, regular proceedings shall be had for condemnation.

SECTION 3. Such franchise shall not be granted until the company shall have assured the Minister by guarantees

satisfactory to him that it is, and will be at all times during the existence of such franchise, able to supply promptly and efficiently such electric light and electric power in the town of Hilo as may from time to time be required, and that it shall within one year from the date of the grant, be prepared to manufacture and furnish such electric light and power at any point within two thousand feet of the Court House in Hilo, provided, however, that it shall not be required to build and maintain any line for the transmission of such electric light and power, unless the number of lights or amount of power agreed to be taken for not less than one year shall be sufficient to warrant the construction of such line.

SECTION 4. The use by the company of public streets, places or other public property, shall be subject to such reasonable rules and regulations to be provided by the Minister of Interior, as shall at all times provide for guarding the rights of the general public in the use of streets and public places.

SECTION 5. The Minister is hereby authorized and empowered to enter into a contract with said company upon such terms as he shall deem proper for lighting the streets, public places, and public buildings in the said town of Hilo.

SECTION 6. This Act shall take effect from and after its publication.

Approved this 19th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 6.

AN ACT TO AMEND SECTION 31 OF CHAPTER LVII. OF THE SESSION LAWS OF 1892, APPROVED ON THE 25TH DAY OF NOVEMBER, 1892, RELATING TO THE TERMS OF THE CIRCUIT COURTS.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That Section 31 of Chapter LVII. of the Session Laws of the year 1892, approved on the 25th day of November, 1892, relating to the Terms of the Circuit Courts, be amended so as to read as follows:

"Section 31. The terms of the respective Circuit Courts shall be held as follows:

"In the First Circuit at Honolulu, on the first Mondays of February, May, August and November;

"In the Second Circuit, at Wailuku, on the Island of Maui, on the first Wednesday of June, and at Lahaina on the first Wednesday of December;

"In the Third Circuit, at Kailua, in the District of North Kona, on the first Wednesday of April, and in the District of North Kohala, on the first Wednesday of October;

"In the Fourth Circuit, at the town of Hilo, in the District of Hilo, on the first Wednesday of January, and at Honokaa, in the District of Hamakua, on the first Wednesday of July;

"In the Fifth Circuit, at Lihue, on the Island of Kauai, on the first Wednesdays of March and September."

SECTION 2. This Act shall take effect from and after the date of its approval, and all laws and parts of laws inconsistent with this Act are hereby repealed.

Approved this 19th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 7.

AN ACT TO EXEMPT CANAIGRE AND FIBRE CROPS AND ALL PREPARATIONS AND EXTRACTS OF CANAIGRE AND ALL VEGETABLE FIBRES, AND ALL MILL MACHINERY, APPLIANCES, TOOLS, AND BUILDINGS USED EXCLUSIVELY IN THE CARE, CULTIVATION OR PREPARATION THEREOF FROM TAXES AND IMPORT DUTIES.

Be it Enacted by the Legislature of the Republic of Hawaii :

SECTION 1. From and after the passage of this Act and for the term of ten years from the date hereof, all canaigre and fibre crops, and all preparations and extracts of canaigre and all vegetable fibres produced in this country ; and all mills, machinery, appliances, tools and buildings, used exclusively in the care, cultivation or preparation of canaigre and fibre plants shall be and hereby are exempted from all taxes and import duties.

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 26th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 8.

AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS FOR THE USE
OF THE GOVERNMENT OF THE REPUBLIC OF HAWAII FOR
THE TWO YEARS WHICH WILL END WITH THE 31ST DAY OF
MARCH, 1896.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to \$8,300 are hereby appropriated out of any moneys which shall be received by the Treasury during the Biennial Period ending March 31st, 1896, from the loan authorized by the Act approved January 11, 1893, and by Act 16 of the Provisional Government, approved February 18, 1893, from any surplus receipts from deposits in the Postal Savings Bank, and from current revenue; provided however, that any moneys advanced from current revenue, or from deposits in the Postal Savings Bank for the objects named, may, as soon as practicable, be reimbursed from moneys obtained from such loan:

INTERIOR DEPARTMENT.

New Wharves, Sea Wall, Dredging Honolulu Harbor and Bar.
Retaining Wall, Haaliliamanu Stream. 2,500 00

New Buildings, Vaults, Magazine and Hospitals:
Teacher's Cottage, Puna. 800 00

Water Works.

Extension to Hilo Water Works at Waterhead. . . 5,000 00

\$ 8,300 00

SECTION 2. This Act shall take effect from and after date of publication.

Approved this 26th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 9.

AN ACT TO PREVENT FOOT BINDING.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The term "Foot Binding" as in this Act used, shall be held to mean the compression, mutilation, injury or deformity caused to the feet of young girls; also the means used to so compress, mutilate, injure or deform such feet, as well as any attempt to do the same.

SECTION 2. Foot Binding is hereby forbidden and any person who binds or attempts to bind the feet as covered or intended to be covered by Section 1 of this Act, or who shall authorize, or permit foot binding, such person being a free agent, or in any manner be a party or privy thereto or shall in any wise countenance the same, shall be liable, on conviction before any District Magistrate, to pay a fine of not less than twenty-five nor more than five hundred dollars or to be imprisoned at hard labor not less than ten days or more than two years, or both, at the discretion of such Magistrate; or such person or persons may in place of such punishment leave the Hawaiian Islands at a time to be stated by such Magistrate, and a return within five years shall be deemed to be a revival of the sentence suspended by such deportation.

SECTION 3. The terms hereof shall apply to all cases of foot binding existing at the time this Act shall go into

effect, provided the same are not immediately discontinued, and every continuation of such foot binding shall constitute a new offense. Nothing herein contained shall be held to relieve any person who has assisted or been privy to any foot binding from all of the pains and penalties of the laws relative to assault and battery, maiming or any other appropriate law.

SECTION 4. This Act shall take effect from the date of its publication.

Approved this 26th day of July, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 10.

AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS FOR THE USE OF THE GOVERNMENT OF THE REPUBLIC OF HAWAII FOR THE TWO YEARS ENDING MARCH 31ST, 1896.

Be it Enacted by the Legislature of the Republic of Hawaii :

SECTION 1. The following sums amounting to \$56,600.00 are hereby appropriated to be paid out of all moneys in the Treasury, received from all the current receipts of the general revenue of the Hawaiian Islands in addition to the sums heretofore appropriated for the following purposes, namely:

DEPARTMENT OF FOREIGN AFFAIRS.

Band\$ 600 00

ATTORNEY GENERAL'S DEPARTMENT.

Pay of Police, Oahu.....\$40,000 00

Pay of Jailors, Guards and Lunas of

Prisoners 10,000 00

—————\$ 50,000 00

INTERIOR DEPARTMENT.

Fire Department Honolulu, Pay Rolls.	\$4,000 00	
Salary of Land Agent, Act of 1895 (at		
the rate of \$3,000.00 a year).....	2,000 00	
		6,000 00
		\$ 56,600 00

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 6th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 11.

AN ACT MAKING FURTHER APPROPRIATION FOR THE USE OF THE LEGISLATURE OF THE REPUBLIC OF HAWAII FOR THE SPECIAL SESSION OF 1895.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sum amounting to three thousand dollars (\$3,000.00) is hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the general revenue of the Hawaiian Islands for the period ending the thirty-first day of March, A. D. 1896.

LEGISLATURE.

Expenses of Senate and House of Representatives...\$3,000 00

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 10th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 12.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY OF PUBLIC
LIBRARY ASSOCIATIONS.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. All property both real and personal of Public Library Associations shall be exempt from Taxation.

SECTION 2. This Act shall take effect from the date of its publication and shall include assessments for the year 1894.

Approved this 10th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 13.

AN ACT TO REPEAL CHAPTER XLL OF THE SESSION LAWS OF 1884, ENTITLED "AN ACT TO ENCOURAGE OCEAN TELEGRAPH CABLES," CHAPTER XXVII. OF THE SESSION LAWS OF 1887, ENTITLED "AN ACT TO AUTHORIZE THE HAWAIIAN GOVERNMENT TO CONTRACT FOR THE CONSTRUCTION OF INTERNATIONAL AND INTER-ISLAND SUBMARINE ELECTRIC TELEGRAPH CABLES," CHAPTER XIV. OF THE SESSION LAWS OF 1888, ENTITLED "AN ACT TO AUTHORIZE THE HAWAIIAN GOVERNMENT TO CONTRACT FOR THE CONSTRUCTION OF INTER-ISLAND SUBMARINE ELECTRIC TELEGRAPH CABLES," AND CHAPTER LXX. OF THE SESSION LAWS OF 1890, ENTITLED "AN ACT TO AU-

THORIZE THE HAWAIIAN GOVERNMENT TO CONTRACT FOR THE CONSTRUCTION AND MAINTENANCE OF SUBMARINE ELECTRIC TELEGRAPH CABLES."

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Chapter XLI. of the Session Laws of 1884, entitled "An Act to Encourage Ocean Telegraph Cables;" Chapter XXVII. of the Session Laws of 1887 entitled "An Act to authorize the Hawaiian Government to Contract for the Construction of International and Inter-Island Submarine Electric Telegraph Cables;" Chapter XIV. of the Session Laws of 1888, entitled "An Act to authorize the Hawaiian Government to Contract for the Construction of Inter-Island Submarine Electric Telegraph Cables;" and Chapter LXX. of the Session Laws of 1890, entitled "An Act to authorize the Hawaiian Government to Contract for the Construction and Maintenance of Submarine Electric Telegraph Cables," are hereby repealed.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 10th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 14.

AN ACT RELATING TO A LABOR COMMISSION, AND REPEALING ACTS 4 AND 11 OF THE EXECUTIVE AND ADVISORY COUNCILS OF THE REPUBLIC OF HAWAII RELATING TO A LABOR COMMISSION.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The President of the Republic is hereby authorized and directed to appoint a Commission of three

persons, who shall be known as the "Labor Commission," and all of whom shall serve without pay. One of the Commissioners shall be designated by the President to be Chairman of the Commission, and shall have power to administer oaths. Members of the Commission may be removed at any time by the President.

SECTION 2. Vacancies caused by death, resignation, refusal to serve, or other cause, shall be filled by appointment of the President.

SECTION 3. It shall be the duty of the said Commission to make a full and careful inquiry and investigation into the following matters, so far as the same shall not have been done by the Labor Commission provided for in Act IV. of the Executive and Advisory Councils of the Republic, and to report from time to time to the Legislature, if the same shall be in session, or to the Executive Council if the Legislature shall have adjourned :

1. The number and nationality and residence of all agricultural laborers now employed in the Republic, showing the number engaged in each particular branch of agriculture.

2. The rate of wages paid to the different nationalities of such laborers in the different portions of the Republic.

3. The number, nationality and residence of all mechanics now employed in the Republic.

4. The rate of wages paid to the different nationalities of such mechanics in the different portions of the Republic.

5. The prices received by Hawaiian sugar planters for raw sugar.

6. The cost of producing sugar, showing, so far as practicable, the cost of each stage and process, and showing more particularly the proportionate cost of unskilled labor.

7. Whether or not an increased number of agricultural and other unskilled laborers will be needed in the near future, and if so, in connection with what industries and how many laborers will probably be required.

8. The trials which have been given to co-operative production, or profit-sharing, in the production of sugar, rice or other agricultural products in this country, giving, so far as practicable, the details of the several agreements and methods adopted, and the results thereof.

9. Whether or not a system of co-operative production or profit-sharing is feasible in connection with the main agricultural industries of the country; and, if so, upon what lines.

10. Whether or not such a system of production has ever been adopted in any other country situated similarly to Hawaii, and in the production of similar products to those produced here; and if so, what the results were.

11. Whether or not there is anything in the climatic or other conditions in this country which render it physically impossible for Europeans and Americans to successfully engage in field labor in this country.

12. If Europeans and Americans are found capable of personal field labor, whether or not it is feasible to secure the immigration of a sufficient number of Europeans or Americans to supply the present and probable requirements for unskilled labor. If so, upon what terms and by what means, and from what countries.

13. What the effect of Chinese immigration has been in this country.

14. What the effect of restriction of such immigration has been.

15. Whether or not it is necessary or advisable to allow

the further immigration of Chinese. If so, upon what conditions.

16. What the effect of Japanese immigration has been in this country.

17. Whether or not it is necessary or advisable to allow the further immigration of Japanese. If so, upon what conditions.

18. What the condition of field labor and of mechanics is and during the last few years has been in this country, as compared with other countries.

19. What rate of wages is paid in other countries to skilled and mechanical labor in the production of products similar to those raised here.

20. In what manner and to what extent men introduced as contract laborers have competed with the mechanical or business interests of the country.

21. Any other matters of a kindred character which will throw light upon the subject and tend to solve the problems incidental to the labor question in this country.

SECTION 4. It shall be the duty of all Government officers, officers of corporations, and other persons, to furnish to such Commission, upon its request, all information within their knowledge bearing upon the subject matter of this Act; and power is hereby conferred upon such Commission, or a majority of its members, to issue subpoenas to witnesses to appear and testify before such Commission, and to produce papers before it, in the same manner as subpoenas are issued by the Supreme Court. Disobedience or refusal to answer questions asked pursuant to any subpoena issued by such Commission may be punished by any Justice of the Supreme Court, on a certification to him by the Commission

or a majority of its members, of the fact of such disobedience ; the punishment to be the same as that for disobedience of a subpoena of the Supreme Court.

SECTION 5. The said Commission is hereby authorized to employ a Secretary, or such other clerical assistance as may be necessary in collecting and arranging the above information ; also a Stenographer and Typewriter when required, and to fix the compensation of the same, subject to the approval of the Minister of the Interior ; also to incur the necessary incidental expenses connected with the performance of the work of the Commission, including travelling expenses of the members of the Commission, and of witnesses summoned by them ; provided however, that no expense shall be incurred for travelling beyond the limits of this Republic.

SECTION 6. For the purposes of defraying the expenses of such Commission there is hereby authorized to be drawn from the public treasury any balance that may remain unexpended from the amount appropriated for the expenses of the Labor Commission in Act IV. of the Executive and Advisory Councils of the Republic, after paying the expenses incurred by the said Commission up to the time of the appointment of the Commission provided for in this Act. The money herein appropriated shall be drawn from the Treasury in such manner and under such regulations as shall be prescribed by the Executive Council.

SECTION 7. As soon as practicable after the appointment of the Commission provided for in this Act, the Commission provided for in Act IV. of the Executive and Advisory Councils of the Republic shall transfer thereto all Books, papers, records and public property of every kind that may be in its possession or under its control, and shall thereupon cease to exist.

SECTION 8. Acts 4 and 11 of the Executive and Advisory Councils of the Republic of Hawaii and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

SECTION 9. This Act shall take effect from the date of its publication.

Approved this 10th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 15.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO REGULATE THE PASSAGE OF WATER OVER THE LANDS OF THOSE NOT BENEFITED THEREBY," BEING CHAPTER 27 OF THE LAWS OF 1876.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. An Act entitled "An Act to regulate the passage of water over the lands of those not benefited thereby," being Chapter 27 of the Laws of 1876, it hereby repealed.

SECTION 2. This Act shall take effect on the date of its approval.

Approved this 12th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 16.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CONSTRUCTION OF RAILWAYS FOR AGRICULTURAL PURPOSES OVER THE LANDS OF THOSE NOT BENEFITED THEREBY," BEING CHAPTER 60 OF THE LAWS OF 1890.

Be it Enacted by the Legislature of the Republic of Hawaii :

SECTION 1. An Act entitled "An Act to authorize the Construction of Railways for Agricultural purposes over the Lands of those not benefited thereby," being Chapter 60 of the Laws of 1890 is hereby repealed.

SECTION 2. This Act shall take effect on the date of its approval.

Approved this 12th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 17.

AN ACT TO FACILITATE THE CONSTRUCTION AND MAINTENANCE OF TELEGRAPH CABLES IN THE PACIFIC.

Be it Enacted by the Legislature of the Republic of Hawaii :

SECTION 1. The President with the consent of the Cabinet, is hereby authorized and empowered to negotiate and conclude a contract or contracts with any person or persons, corporation or corporations, government or governments, for

the construction, maintenance and operation of a telegraphic cable or cables connecting the several Islands of the Republic, or connecting the Republic of Hawaii with the countries lying in or bordering upon the Pacific Ocean.

SECTION 2. There may be incorporated in any such contract or contracts provisions to allow the free use of any government lands necessary for the construction, maintenance or operation of such cable or cables ;

To admit free of duty all material to be used exclusively in the construction, maintenance or operation of any such cable or cables ;

To allow the condemnation and appropriation according to law of such land, property or rights of way as may be necessary for the construction, maintenance or operation of such cable or cables and the land connections thereof ;

To remit for a term of years therein to be stated, all taxes upon the property located within the Republic belonging to or connected with such cable or cables and necessary or property appurtenant to the construction, maintenance or operation of such cable or cables ;

To remit all harbor and port dues and charges upon any vessel or vessels engaged in laying and maintaining any such cable or cables, or which may be stationed in the waters of the Republic for such purpose ; and,

To render to such enterprise or enterprises such financial assistance as may seem just and advantageous to the interests of the Republic.

SECTION 3. Such Financial assistance may consist of :

(1) A fixed semi-annual cash payment or subsidy for a stated period ; or,

(2) A guarantee by the Republic of a payment of the

principal or interest or both, a stated amount of the bonds of any person or company constructing or operating such cable or cables ; or,

(3) A subsidy by issuing to the party or parties indicated in such contract a stated amount of the bonds of the Republic bearing interest at the rate and payable at the time or times therein stated ; or,

(4) A subscription to the stock of any corporation or corporations formed for the purpose of constructing and operating any such cable or cables ; or,

(5) A guarantee of a certain amount of income per annum ; or,

(6) The participation by this government with other governments in the joint construction and ownership of any such cable ;

(7) A combination of any two or more of the methods hereinbefore mentioned, or other proper method not herein enumerated.

SECTION 4. Such contract or contracts shall also contain such provisions as to the President and Cabinet shall seem necessary or proper for the protection of the interests of the Republic in and concerning the use and maintenance of such cable.

SECTION 5. Any contract or contracts concluded under or be authority of this Act, involving the payment of any money, shall be subject to the ratification and approval by the Legislature.

SECTION 6. The President is hereby authorized and empowered to employ an agent or agents to assist either within the Republic or in any foreign country in obtaining full information concerning the size, weight, composition and charac-

ter of the cable or cables required for the purposes stated in this Act, and of the cable repair ship or ships which may be necessary, and all other information properly incidental to the subject matter of this Act; and in negotiating any such contract or contracts.

SECTION 7. For the purpose of defraying the expenses which may be incurred by virtue of this Act, the sum of ten thousand dollars is hereby appropriated out of any moneys in the Treasury otherwise unappropriated, which or so much thereof as may become necessary shall be expended in such manner as may be directed by the President.

SECTION 8. This Act shall take effect and become a law from and after the date of its approval.

Approved this 12th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 18.

AN ACT TO REGULATE THE ACQUISITION OF RIGHTS OF WAY
OVER THE LAND OF OTHERS.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Whenever any person shall be desirous of acquiring a private right of way across the land of another person or persons for a railway, drain, flume, water-pipe or ditch for agricultural, milling, manufacturing, mining, domestic or sanitary purposes, and is unable to agree with the person or persons across whose land or lands it is desired to acquire such right of way, petition may be made to any Circuit Judge of the Judicial District within which such land

is situated, setting forth the name or names of the owner or owners of the land or lands across which it is desired to acquire such right of way, and all the facts and diagrams necessary for the understanding of the case.

SECTION 2. After service of such petition as now required by law for hearings at Chambers, the Judge to whom the petition is addressed shall proceed to take testimony in regard to the propriety and utility of granting such right of way, and the amount of damages both direct and consequential which may be suffered by the owner or owners of the proposed servient lands. If such Judge shall find that the acquisition of such right of way is reasonable, proper and useful, he shall enter judgment authorizing the construction of the same and awarding damages, but no right of way as provided by such judgment shall be acquired, unless the amount awarded and costs shall be paid by the petitioner within thirty days from the rendition of the judgment. Such payment may be made to the party in whose favor the award is given, or to the court.

SECTION 3. Such judgment, if in favor of the petitioner shall set forth the route of the proposed railway, drain, flume, water-pipe or ditch, and what fences, bridges and crossing places, if any, shall be maintained by the petitioner. After the construction of such railway, drain, flume, water-pipe or ditch it shall be incumbent on the owner of such railway, drain, flume, water-pipe or ditch, his heirs and assigns to keep such railway, drain, flume, water-pipe or ditch, fences, bridges and crossing places in proper repair and for that purpose shall have the right of entry at all reasonable times; and such owner of such railway, drain, flume, water-pipe or ditch, his heirs or assigns, shall be answerable at all times to the owner of the land, his re-

presentatives or assigns, for any damages which may occur or result by reason of any overflow of water, or other damage caused by the failure to keep such railway, drain, flume, water-pipe or ditch as the case may be, in proper repair, or failure to keep the fences and bridges and crossing places in proper repair. If the Judge, before whom any such case may be heard, shall find that the proposed right of way is unreasonable or inexpedient he shall enter judgment for the respondent.

SECTION 4. If either party shall be dissatisfied with the decision of any Judge, before whom any cause arising under this Act shall be brought, he may appeal to the Justices of the Supreme Court sitting in Banco, and his appeal shall be heard upon the record, but either party may adduce before such Justices further testimony. If the respondent shall appeal, and shall not succeed in reversing the judgment below or increasing the damages by one-fifth, he shall pay the costs of the appeal, but in all other cases the cost of said appeal shall be borne by the petitioner.

SECTION 5. The word "person" as used in this Act shall be held to mean, not only individuals but any and all associations or corporations, the Commissioners of Public Lands, and shall also include owner as well as occupier.

SECTION 6. This Act shall take effect and become a law from and after the date of its approval.

Approved this 13th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 19.

AN ACT TO REGULATE THE CURRENCY.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. It shall be lawful for the Minister of Finance to redeem all certificates of deposit issued under the provisions of Chapter 35 of the Session Laws of 1886 and the amendments thereto, now outstanding, at their nominal value on demand, and all certificates so redeemed shall be forthwith withdrawn and cancelled by the Registrar of Public Accounts, in such manner as the Executive Council shall direct.

SECTION 2. The Minister of Finance may issue or cause to be issued from time to time Gold and Silver Certificates of Deposit, payable to bearer on demand without interest, upon setting apart as a special deposit an equal amount of Gold Coin of the United States of America and Silver Coin of the Hawaiian Islands or of the United States of America as security for the redemption of such certificates respectively.

SECTION 3. The certificates issued upon the Gold deposit shall be of an uniform color and of the respective denominations of five, ten, twenty, fifty and one hundred dollars. The certificates issued upon the Silver deposit, shall be of another uniform color and of the respective denominations of five, ten, twenty, fifty and one hundred dollars.

SECTION 4. All such certificates shall be signed by the Minister of Finance and countersigned by the Registrar of Public Accounts, and the special deposits of Gold and Silver

Coin in the Treasury for their redemption shall be used only for the payment and redemption of such Gold and Silver certificates respectively, and shall be kept as special deposits for such purposes and no other.

SECTION 5. This Act shall take effect from and after its approval, and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 13th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 20.

AN ACT TO ESTABLISH AND REGULATE THE NATIONAL GUARD OF HAWAII AND SHARPSHOOTERS, AND TO REPEAL ACT NO. 46 OF THE LAWS OF THE PROVISIONAL GOVERNMENT OF THE HAWAIIAN ISLANDS RELATING TO THE NATIONAL GUARD.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The organized and uniformed military force of the Republic of Hawaii is known as the National Guard of Hawaii. This force shall consist of not less than four companies, which may be organized by order of the Commander-in-Chief and must be located throughout the Islands with reference to the Military wants thereof, means of concentration and other military requirements.

Provided, however, that the Commander-in-Chief may organize bodies of sharpshooters, which shall not be a part of the National Guard of Hawaii, but shall be entitled to similar immunities, and in time of peace shall be subject only to such laws and regulations as may from time to time be prescribed for their government by the Commander-in-Chief.

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SECTION 2. The Military Forces of the Republic of Hawaii shall be organized into Companies, Battalions and Regiments, and shall consist as follows :

Companies shall consist of not less than forty nor more one hundred and three officers and enlisted men. They shall be organized with one Captain, one First Lieutenant and one Second Lieutenant, and not less than thirty-seven nor more than one hundred enlisted men.

Battalions shall consist of two or more Companies.

Regiments shall consist of two or more Battalions.

SECTION 3. The field officers of a Regiment shall be one Colonel, one Lieutenant-Colonel, with one Major for each Battalion.

The Staff of the Commanding Officer of a Regiment shall consist of one Adjutant, one Quartermaster, one Ordnance Officer, one Surgeon and one Chaplain, each with the rank of Captain, who are appointed by the Commanding Officer, and hold office at his pleasure or until their successors are appointed and qualified.

There shall also be an Adjutant appointed for each Battalion with the rank of First Lieutenant.

The non-commissioned staff consists of one Regimental Sergeant-Major, one Sergeant-Major for each Battalion, one Quartermaster-Sergeant, one Ordnance-Sergeant, one Commissary-Sergeant, two Color-Sergeants and one Chief Musician, with the rank of Sergeant-Major.

SECTION 4. The President is the Commander-in-Chief of the National Guard.

SECTION 5. The staff of the Commander-in-Chief may consist of one Adjutant with the rank of Lieutenant-Colonel,

two Majors and such Aides as he may deem necessary, with the rank of Captain, to hold office at his pleasure.

SECTION 6. The Commander-in-Chief is authorized and has power to establish and prescribe such rules and regulations, forms and precedents, not inconsistent with the provisions of the laws as he may deem proper for the use, government and instruction of the National Guard, and to carry into full effect the provisions of the laws relative thereto. Such rules, regulations, forms and precedents shall, from time to time, be revised as may be deemed necessary, and shall be promulgated in orders and compiled in such form as may be deemed advisable for the information of the National Guard, and shall have the same force as though prescribed by law.

SECTION 7. All commissioned officers of the National Guard and Sharpshooters shall be commissioned by the Commander-in-Chief, but he may refuse to issue a Commission to any officer elected or appointed, if in his opinion, the person elected or appointed is in any way unqualified or unworthy to be an Officer in the National Guard.

SECTION 8. The Commander-in-Chief shall have authority to appoint and commission officers on active service in case of vacancies. The commission of any officer called into active service continues until he is discharged, by order of the Commander-in-Chief. Any officer while on active service shall be subject to removal by order of the Commander-in-Chief.

SECTION 9. Vacancies in elective offices of the National Guard, not in active service, are filled by election. When vacancies occur at any election through the promotion of any officer, such vacancies may then and there be filled without further order. Elections of all Commissioned Officers of companies not on active service must be by ballot, and shall be presided over by an officer appointed for that purpose by

the Commander-in-Chief, and such presiding officer shall if the election be for company officers give at least seven days notice of his appointment to all parties interested by causing the order appointing him to be posted in the armory and read to the company. If for field officers at least fourteen days notice by publication in some newspaper published in Honolulu. He shall within three days following the election report the result of said election to the Commander-in-Chief. In all elections for commissioned officers a majority of the votes of those present shall be necessary to a choice. In order to the validity of such election there must be present at least a majority in number of those entitled to vote. In elections of field officers, field and line officers are entitled to vote. Field officers hold office for two years, or until their successors are duly qualified. Line officers hold office for one year, or until their successors are duly qualified.

SECTION 10. Every elected line officer of the National Guard must on his election to an office appear before an examining Board for examination as to his qualifications for the office to which he has been elected.

SECTION 11. When an officer is re-elected no new commission issues, but a certificate of such election must be issued to him by the Commander-in-Chief.

SECTION 12. Whenever a sufficient number of persons subject to military duty subscribe a call for the organization of a company, the Commander-in-Chief, with the advice of the Council of State, upon the application of such persons, may appoint a time and place of meeting for the purpose of organization and detail an officer to preside over the same. Authority is hereby given to the President to organize as a Company of the National Guard, as of July 1, 1895, certain persons who filed a petition to be so organized on June 1, 1895.

SECTION 13. The Commander-in-Chief may at any time, by and with the consent of the Cabinet, for good and sufficient reasons, disband any portion of the National Guard and Sharpshooters.

SECTION 14. Any officer resigning his commission must do so in writing, addressing the Adjutant of the General Staff, giving his reason therefor, and transmit the same through his immediate commanding officer, who will make his endorsement thereon; and the resignation takes effect when accepted by the Commander-in-Chief and announced in orders.

SECTION 15. All officers and soldiers of the National Guard and Sharpshooters who comply with all military duties as provided in this Act are entitled to exemption from the payment of poll-tax, school tax and road tax; and all officers and soldiers in active service shall be exempt from jury service.

SECTION 16. The Adjutant of the General Staff must make out on or before the fifth day of July of each year a complete roll of the Military Forces of each Taxation District as they appear on the records of his office July 1st, and furnish a copy of the same duly sworn to the assessor of the district wherein such force is located.

SECTION 17. All officers and soldiers of the National Guard, on becoming members and before performing duty, and at each subsequent re-enlistment, must take and subscribe the following oath, which all commissioned officers thereof are empowered to administer: "I do solemnly swear that I will support the Government of the Republic of Hawaii and that I will serve honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the Republic of Hawaii and the orders of the officers appointed over me, and will maintain and defend the laws, and that I will serve in the National Guard of Hawaii as a soldier for

the term of one year, provided that the Government should so long require my service." Which oath, certified by the officer administering the same, must be returned to the regimental adjutant and be preserved with the rolls of companies; oath of re-enlistment shall show on the margin the number of re-enlistment.

SECTION 18. All fines and penalties for non-attendance upon drills, parades and inspections, determined and imposed under the provisions of such rules and by-laws as may be adopted from time to time by any regiment, battalion or company and approved by the Commander-in-Chief, or such fines and penalties as may be determined by Court Martial may be collected by action in the District Court, in the name of the Republic of Hawaii; and the books and records of the regiment, battalion or companies and the proceedings under which delinquents are fined are *prima facie* evidence of the facts therein stated.

SECTION 19. Any enlisted man may be discharged before the expiration of his term of service, by order of the commanding officer of the battalion or regiment on the recommendation of his company commander, or for any of the following reasons: To accept promotion by commission; upon removal of residence out of the bounds of the command to which he belongs, to so great a distance that, in the opinion of such commanding officer, he cannot properly perform his military duty; upon disability, established by certificate of a medical officer. Or he may be dishonorably discharged for any of the following reasons: Upon conviction of a felony in a Civil Court; by sentence of a Court Martial.

SECTION 20. Any officer or enlisted man of the National Guard of Hawaii who shall be dishonorably discharged shall thereby be disabled to hold any office or employment in the

service of the Republic of Hawaii unless pardoned by the Commander-in-Chief.

SECTION 21. In case of war, insurrection or rebellion, or of resistance to the execution of the laws of this Government, all employees of the Government, unless physically disabled, shall report for duty and be subject to military service. Sec
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SECTION 22. The following officers may appoint Courts Martial: The Commander-in-Chief, General Courts Martial; the Regimental Commander, Regimental Courts, and every officer commanding a garrison or other place where troops are quartered shall be competent to appoint for such garrison or place, garrison Courts Martial.

SECTION 23. Officers who may appoint a Court Martial shall be competent to appoint a judge-advocate for the same.

SECTION 24. Courts Martial, and the judge-advocate thereof, shall have the same power to summon and examine witnesses as District Courts.

SECTION 25. General Courts Martial may consist of any number of officers from three to five inclusive.

SECTION 26. Regimental and Garrison Courts may consist of any number of officers from one to three inclusive.

SECTION 27. General Courts Martial shall have concurrent jurisdiction over all offenses which may be tried before a regimental or garrison Court Martial, and exclusive jurisdiction over the following offenses:

Conduct unbecoming an officer and a gentleman.

Enlisting in another company without proper discharge.

Disobeying a lawful command of a superior officer.

Inciting or joining in, a mutiny or sedition, or failure to report same to commanding officer.

Desertion.

Cowardice while on active duty.

Misbehavior in presence of the enemy.

All felonies committed in the time of war by persons belonging to or serving with the National Guard or Sharpshooters.

Absenting oneself without leave.

Sleeping on post when a sentinel, or leaving post before being relieved.

Giving information to any person concerning the equipment of the National Guard or Sharpshooters or the amount, kind, location of arms, ammunition or military stores, the property of the Government.

Selling or appropriating or parting with any arms, ammunition or Government property.

Knowingly receiving or purchasing arms, ammunition or Government property from one not having lawful authority to sell or dispose of same.

Forcing safe-guard in time of war.

Relieving with money, victuals or ammunition, or harboring, protecting, corresponding with or giving intelligence to the enemy directly or indirectly.

Making false muster or return.

Violating any regulations promulgated by the Commander-in-Chief for the Government of the National Guard and Sharpshooters.

SECTION 28. The following offenses shall be within the jurisdiction of regimental and garrison Courts Martial.

Occasioning false alarms.

Hiring duty, conniving at or allow same.

Drunkenness while on duty or while on active service.

Failure to report for duty, drill or parade.

Breaking furlough or leave.

Disorderly conduct on active service.

Want of personal neatness.

Want of care of arms, uniform or equipment.

Profanity.

Lying out of quarters.

Reproachful or provoking speeches and gestures.

Disrespectful behavior to a superior officer.

Making known watchword to one not entitled to receive it.

Committing waste or spoil (unless by order of officer commanding in field.)

SECTION 29. All officers and enlisted men in the service of the Republic of Hawaii, shall at all times be subject to trial by Court Martial.

SECTION 30. Officers shall be tried only by General Courts Martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

SECTION 31. All members of Courts Martial before proceeding with any trial shall take an oath to administer justice without partiality, favor or affection, according to the laws of the Republic of Hawaii.

SECTION 32. In the conduct of all trials, Courts Martial shall follow military usage and precedents heretofore established, and as set forth in the statutes and regulations governing the army of the United States.

SECTION 33. All persons who in time of war, rebellion or insurrection against the Supreme Authority of the Republic of Hawaii, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters or encampments of any of the Military Forces of the Republic of Hawaii, or elsewhere, shall be triable by a General Court Martial, or by a Military Commission, and shall, upon conviction thereof,

suffer death or such other penalty as may be imposed by such Courts Martial or Military Commission.

SECTION 34. All persons sentenced to imprisonment by Courts Martial or Military Commission may be confined in such place as the sentence of the court may direct.

SECTION 35. No sentence of death, imprisonment, or dismissal of officers from the service, shall be valid unless approved by the Commander-in-Chief.

SECTION 36. All infractions against military discipline shall be punished as Courts Martial may direct.

SECTION 37. General Courts Martial, in time of peace, may impose the punishment of fine not exceeding fifty dollars and (or) dishonorable dismissal from National Guard, in the case of officers and enlisted men not on active service, when found guilty of any offense named in this Act, or of any violation of any regulation promulgated by the Commander-in-Chief. And in case of officers and enlisted men on active service, such courts may punish by fine not exceeding one hundred dollars and imprisonment until such fine is paid, and (or) by imprisonment not exceeding twelve months, and (or) by dishonorable dismissal from the service.

SECTION 38. In time of war, General Courts Martial or Military Commissions may impose the penalty of death, and may impose all penalties authorized by law for offenses which may be tried by such Courts Martial or Military Commission and may impose a fine not exceeding five hundred dollars and (or) imprisonment at hard labor not exceeding five years, in all cases not otherwise provided for.

SECTION 39. Regimental or Garrison Courts Martial in time of peace may impose punishment by fine not exceeding ten dollars, and (or) dishonorable dismissal from the National Guard in case of enlisted men not on active service, and in case

of enlisted men on active service by fine not exceeding forty dollars and (or) by imprisonment not exceeding one month; and in time of war, by fine not exceeding one hundred dollars and (or) imprisonment not exceeding three months, and (or) by dishonorable dismissal from the National Guard.

SECTION 40. All retainers to the camp or posts, and all persons serving with the military or armed forces in the field, though not enlisted soldiers, are to be subject to orders according to the rules and discipline of war. Sec
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SECTION 41. Every officer commanding a company shall be charged with the arms, accoutrements, ammunition, clothing or other stores belonging to his command, and shall be accountable to the Government for the same in case of their being lost or damaged otherwise than by unavoidable accident or in actual service.

SECTION 42. Any commissioned officer who has served for a continuous period of five years or who has become disabled and incapable of longer performing the active duties of his office may, upon his own application, be placed upon the retired list, if, upon examination by a medical officer, it is found that such disability was not incurred by reason of any dereliction or his part. Officers retired will hold the rank held by them at the time of retirement and shall only be subject to detail for duty by orders from the Commander-in-Chief. When detailed for duty they will take rank next to officers of like rank upon the active list. 183
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SECTION 43. In case of war, insurrection, rebellion, or of resistance to the laws of this Government, the National Guard and Sharpshooters, or any part thereof, may be called into active service upon the call or requisition of the Commander-in-Chief. Any member of the National Guard or Sharpshooters who neglects or refuses to rendezvous, when

ordered out by the Commander-in-Chief is guilty of disobedience of orders, and may be tried and punished by a Court Martial.

SECTION 44. The National Guard and Sharpshooters shall be armed and equipped as prescribed from time to time by the Commander-in-Chief.

SECTION 45. No military organization provided for in this Act, shall either for ceremony or duty, carry any flag of any state or nation except that of the Government of the Republic of Hawaii.

SECTION 46. The National Guard of Hawaii, as it is at present organized, and all commissions, orders and regulations issued or pertaining thereto shall remain in full force and continue under this Act, except as altered or changed by or under the provisions hereof, and all officers and men now members of the National Guard shall be subject to the provisions of this Act, as members of the National Guard or Sharpshooters respectively.

SECTION 47. Act No. 46 of the Laws of the Provisional Government of the Hawaiian Islands relating to the National Guard and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SECTION 48. This Act shall take effect from the date of its publication.

Approved this 13th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 21.

AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS FOR THE USE
OF THE GOVERNMENT OF THE REPUBLIC OF HAWAII FOR THE
TWO YEARS ENDING MARCH 31ST, 1896.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to \$122,430.28 are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the general revenue of the Hawaiian Islands, in addition to the sums heretofore appropriated for the following purposes, namely:

DEPARTMENT OF FOREIGN AFFAIRS.

Support of Military.....\$ 21,500 00

ATTORNEY GENERAL'S DEPARTMENT.

Support and Maintenance of Prisoners.\$14,000 00

Incidentals, Civil and Criminal Ex-

penses..... 6,000 00

Support of Citizens Guard..... 5,000 00

25,000 00

BUREAU OF PUBLIC INSTRUCTION.

Stationery, Books and Incidentals for

Office and Schools.....\$ 5,000 00

Repairing School Houses, with the

prior approval of the Minister of

the Interior..... 13,650 00

18,650 00

INTERIOR DEPARTMENT.

Expense of Land Act of 1895.....	\$10,000 00	
Landings and Buoys, Honolulu.....	5,000 00	
Roads and Bridges, Puna.....	5,000 00	
Roads and Bridges, Kau	2,000 00	
Road from Kohala to Waimea.....	3,000 00	
Roads and Bridges, Hana	1,500 00	
Road through Maulua Gulch.....	5,000 00	
Water Works, Honolulu, Running Expenses of Pumping Plant	5,000 00	
Water Works, Laupahoehoe.....	250 00	
Water Works, Koloa	2,000 00	
New Court House, Kona (substituted for Waiohinu)	3,500 00	
Telephonic Connection between North Kona, South Kona and Kau	3,000 00	
Telephonic Connection between Poho- iki Court House, Puna and Hilo, on the condition that a like amount be expended by residents of the District.....	1,000 00	
Claim of S. F. Chillingworth, Boundary Commissioner, for settlement of Boundary of Government Lands on Molokai and Lanai	80 28	
Subsidy to Oahu Railway and Land Co., under Section 2, Chapter XXXI. Session Laws 1890, An Act to further promote the con- struction of Railways on the Island of Oahu.....	10,500 00	
Balance Scholarship for the year ending March 31st, 1894, Iolani College	450 00	
		57,280 28
		<u>\$122,430 28</u>

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 14th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 22.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE BOARD OF EDUCATION FOR THE PURCHASE OF REAL ESTATE AND REPAIRS ON BUILDINGS ON EMMA STREET KNOWN AS "KEOUA HALE."

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to seventeen thousand dollars (\$17,000.00) are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the general revenue of the Hawaiian Islands for the period ending the thirty-first day of March, A. D. 1896.

BUREAU OF EDUCATION.

Purchase on grounds of Emma Street, "Keoua Hale"	\$15,000 00
Repairs, additions and expenses since June 27th to date of transfer.....	2,000 00
	<u>\$17,000 00</u>

The foregoing is conditioned upon the delivery and cancellation of seventeen thousand dollars (17,000.00) in Hawaiian Government Bonds bearing interest at twelve (12%)

per cent to the Hawaiian Treasury for the credit of Government Realizations.

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 14th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 23.

AN ACT MAKING SPECIAL APPROPRIATION FOR THE USE OF THE
BOARD OF EDUCATION DURING THE PERIOD ENDING MARCH
31ST, A. D. 1896.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sum amounting to fifteen thousand dollars (\$15,000.00) is hereby appropriated out of any moneys which shall be received in the Treasury during the period ending March thirty-first, A. D. 1896, from the Loan authorized by the Act approved January 11th, A. D. 1893, and by Act 16 of the Provisional Government approved February 18th, 1893, from any surplus receipts from deposits in the Postal Savings Bank, and from current revenue.

BUREAU OF EDUCATION.

Purchase of building known as "Keoua Hale" on

Emma Street.....\$15,000 00

The foregoing is conditioned upon the delivery and cancellation of fifteen thousand dollars (\$15,000.00) in Hawaiian Government Bonds bearing interest at twelve (12%) per cent

to the Hawaiian Treasury for the credit of Government Realizations.

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 14th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 24.

AN ACT TO AMEND CHAPTER 74 OF THE LAWS OF 1890 ENTITLED:
"AN ACT TO PERMIT THE HAWAIIAN TRAMWAYS COMPANY
LIMITED TO USE AND MAINTAIN ELECTRIC TRACTION."

Be it Enacted by the Legislature of the Republic of Hawaii :

SECTION 1. Section 2 of An Act entitled "An Act to permit the Hawaiian Tramways Company, Limited, to use and maintain Electric Traction," being Chapter 74 of the Laws of 1890, is hereby amended by adding thereto five paragraphs to be numbered paragraphs 4, 5, 6, 7 and 8, as follows :

4. The authority granted by this Act to use and maintain electric power for moving cars must be made use of and the application of electricity for said purpose completed and put in good working order prior to January 1st, 1897 ; otherwise the authority conferred by this Act shall cease and determine on the date last named.

5. The method of application of electricity to said purpose shall be subject to the approval of the Minister of the Interior, and no use of electricity shall be made for the purpose aforesaid until the approval of said Minister has been obtained.

Every car shall have attached to the front end when in operation a life saving screen or fender of such pattern or design as may from time to time be approved or directed by the Minister of the Interior.

6. The Minister of the Interior shall also have power to make rules and regulations governing the application of electricity, to the moving of cars, the speed of cars moved by electricity the frequency of cars, the places of stopping, the length of time which cars may remain at any one place, the cleanliness of cars, and all other matters connected with the use of electricity for the purposes aforesaid.

7. No person shall be employed as a motor-man or driver of a car unless he has received a license from the Minister of the Interior. The Minister of the Interior shall have the right to revoke the license of any motor-man if in his judgment the public safety requires it. A fee of one dollar (\$1.00) shall be charged for licenses to motor-men.

8. Failure to comply with any provisions hereof or any regulations made by the Minister of the Interior shall subject the Company to a penalty of fifty dollars (\$50.00) for each offense to be recovered before the District Court of Honolulu.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 14th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 25.

AN ACT TO REGULATE THE GIVING AND FILING OF BONDS ON
MOTIONS FOR NEW TRIAL, APPEALS, EXCEPTIONS, WRITS
OF ERROR, AND TO REGULATE THE PRACTICE THEREON.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Whenever, in a proceeding before any Court, on a motion for a new trial, or on an appeal, or upon an application for a writ of error, or upon exceptions, a bond shall be required for costs, or against the removal or disposal of property liable to execution, it shall be sufficient to give one bond, in an amount to be fixed by the presiding Judge, which may include both security against costs and against the removal or disposal of property, and no other or further bond shall be required, and such bond shall remain in full force and effect until the final termination of the whole proceedings so pending in such Court, or until the final determination before the Court to which such motion for new trial, petition for writ of error, appeal or exceptions, shall or may be taken.

SECTION 2. No bill of exceptions or appeal shall be dismissed for any informality or insufficiency of any bond, unless upon neglect of the party filing such bond to comply with an order of a Judge directing an amendment of such bond after a reasonable time of not less than 24 hours, which shall be given for such purpose.

SECTION 3. The bond required in the first Section of this Act shall in all cases run to the Clerk of the Judiciary Department and to his successors in such office. It shall be

conditioned for the payment of all costs to arise subsequent to its filing, and against the removal or disposal of property.

SECTION 4. Whenever any person for whose benefit such bond has been filed shall be entitled to a recovery thereunder, an action may be brought in the appropriate court, in the name of the Clerk of the Judiciary Department for the use of such person, but on no account shall such Clerk be liable for any of the costs, damages or expenses of such suit, and any judgment recovered shall be payable to the person for whose use such suit was instituted and such person's receipt shall operate as a complete satisfaction of judgment.

SECTION 5. This Act shall take effect from its publication.

Approved this 14th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 26.

AN ACT RELATING TO PUBLIC LANDS, AND AMENDING SECTIONS 36, 39 AND 40 OF THE CIVIL CODE, RELATING TO THE CARE OF GOVERNMENT LANDS; SECTION 42 OF THE CIVIL CODE, CHAPTER 44 OF THE LAWS OF 1876, CHAPTER 5 OF THE LAWS OF 1878, AND ACT 48 OF THE LAWS OF THE PROVISIONAL GOVERNMENT OF THE HAWAIIAN ISLANDS, RELATING TO THE DISPOSITION OF GOVERNMENT LANDS; SECTIONS 43 AND 44 OF THE CIVIL CODE, RELATING TO THE CONVEYANCES OF GOVERNMENT LANDS; SECTION 45 OF THE CIVIL CODE, RELATING TO SURVEYS AND MAPS OF GOVERNMENT LANDS; SECTIONS 46 AND 47 OF THE CIVIL CODE, RELATING TO LAND AGENTS; AND CHAPTER 87 OF THE LAWS OF 1892, RELATING TO HOMESTEADS, AND REPEALING AN ACT ENTITLED "AN ACT TO CREATE A SINKING FUND," APPROVED DECEMBER 31ST, 1864, AND AN ACT ENTITLED "AN ACT TO RELIEVE THE ROYAL DOMAIN FROM ENCUMBRANCES AND TO RENDER THE SAME INALIENABLE," APPROVED JANUARY 3D, 1865.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The short title of this Act is "Land Act, 1895."

PART I.

INTERPRETATION.

SECTION 2. In this Act, if not inconsistent with the context, "Public Lands" means all lands heretofore classed as Government lands, all lands heretofore classed as Crown Lands, and all lands that may hereafter come into the control

of the Government by purchase, exchange, escheat, or by the exercise of the right of eminent domain or otherwise except as below set forth.

“Commissioners” means Commissioners of Public Lands.

“Sub-Agent” means the Sub-Agent of the Public Lands of the District where the land under consideration is situated.

“District” means the Land District as constituted under this Act, where the land under consideration is situated.

“Land Patent” means a Government grant of real estate in fee simple.

A “General Lease” means any lease made by the Commissioners except those made under the provisions of Parts 6 and 7 of this Act, and all outstanding leases of Government and Crown Lands.

A “Land License” means a privilege granted by the Government for the occupation of land for certain special purposes, such as the cutting and removal of timber, the removal of soil, sand, gravel or stone.

“Homestead Lease” means a lease of land made under the provisions of this Act for a term of nine hundred and ninety-nine years, which is inalienable and not subject to attachment.

“Certificate of Occupation” means an instrument preliminary to a Homestead Lease, giving the applicant possession of land.

“Occupier” means a person entitled to the possession of land under a Certificate of Occupation.

“Right of Purchase Lease” means a lease with a right of purchase as provided by this Act.

“Cash Freehold” means a right of possession to land under an agreement called a Freehold Agreement under the provisions of this Act.

“Freeholder” means a person holding land under a Freehold agreement.

“Permanent Improvements” means houses, fences, roads, reclamation of swamp land, the planting of trees, coffee and other perennial crops and the clearing of land from forest growth, brush or stones preliminary to the cultivation of the same.

Provided however, that this Act shall not apply to the following classes and descriptions of land, the property of the Government, all of which shall remain under the control and management of the Minister of the Interior.

Town lots, sites of public buildings, land used for public purposes, roads, streets, landings, nurseries, tracts reserved for forest growth, and conservation of water supply, parks, and all lands which may hereafter be used for public purposes. All land hereafter reserved by the Commissioners for public purposes, shall thereupon at once pass under the control and management of the Minister of the Interior.

The Minister of the Interior with the consent of the Executive Council shall have the authority at any time to turn over to the Commissioners for the purposes of this Act any lands or parts of lands reserved for public uses.

PART II.

GENERAL PROVISIONS.

SECTION 3. Public Lands for the purpose of this Act are hereby classified as follows :

1. **Agricultural Lands. First Class :—**Land suitable for the cultivation of fruit, coffee, sugar or other perennial crops with or without irrigation.

Second Class :—Land suitable for the cultivation of annual crops only.

Third Class :—Wet lands such as kalo and rice lands.

2. Pastoral Land. First Class :—Land not in the description of Agricultural land but capable of carrying live stock the year through.

Second Class :—Land capable of carrying live stock only part of the year, or otherwise inferior to First Class Pastoral Land.

3. Pastoral Agricultural Land. Land adapted in part for pasturage and in part for cultivation.

4. Forest Land. Land producing forest trees but unsuitable for cultivation.

5. Waste Land. Land not included in the other classes.

SECTION 4. All future leases of Public Lands in the classes of agricultural, pastoral and pastoral-agricultural lands except leases executed under the provisions of Parts 6 and 7 of this Act, may contain a proviso that the Government may at any time with reasonable notice and without compensation, except for improvements taken, take possession of any part of the premises covered by such leases which may be required for laying out and constructing new roads or improving or changing the line or grade of old roads, and take from such premises soil, rock and gravel as may be necessary for the construction or improvement of such roads; provided that such privilege of taking without compensation shall not extend to such parts of such premises as are under cultivation with annual crops or sugar until such crops shall be harvested, nor to such parts of such premises as are planted and cultivated with coffee, fruit trees or other perennial crops, or occupied or improved with permanent improvements, except fences.

SECTION 5. The Commissioners of Public Lands may from time to time by public notice proclaim as a road or street any portion of the public lands not occupied under the provisions of Parts 6 and 7 of this Act.

PART III.

GENERAL ADMINISTRATION.

SECTION 6. There shall be a board of three commissioners, composed of the Minister of the Interior and two persons appointed and removable by the President, with the approval of the Cabinet, one of whom shall be designated the Agent of Public Lands. Such board shall be designated the Commissioners of Public Lands, and shall have the control and management thereof under the provisions of this Act. The appointed members of the Commission may be removed by the President with the approval of the Cabinet.

SECTION 7. For the purposes of this Act the Republic is divided into the following land districts :

First District: That portion of the Island of Hawaii known as Hilo and Puna.

Second District: That portion of the Island of Hawaii known as Hamakua and Kohala.

Third District: That portion of the Island of Hawaii known as Kona and Kau.

Fourth District: The Islands of Maui, Molokai, Lanai, and Kahoolawe.

Fifth District: The Island of Oahu.

Sixth District: The Islands of Kauai and Niihau.

SECTION 8. The Commissioners shall be represented in each district by an officer who shall be designated the Sub-Agent of Public Lands, who shall be appointed by the Commissioners and be removable at their discretion.

SECTION 9. The Commissioners shall have power from time to time to establish forms of all instruments necessary for carrying out this Act, and not herein expressly provided for, and to make, alter and revoke rules and regulations for surveying public lands, for the protection of forests and reservations for forest growth, for the granting of land licenses, for the management of all public reserves and unoccupied public lands, and for more fully carrying out the objects and purposes and guarding against evasions and violations of this Act.

SECTION 10. The Commissioners with the approval of the Cabinet shall have power to purchase lands for homestead purposes with any funds that may be appropriated therefor.

SECTION 11. The Commissioners may from time to time appoint one or more persons in each district to be Rangers of Public Lands, whose duties shall be to observe and see that the provisions of this Act are complied with in their respective districts in relation to the obligations of tenants and grantees of public lands, and report to the Sub-Agent, and otherwise to discharge such duties in relation to the public lands of the district as the Sub-Agent shall require.

SECTION 12. The Commissioners shall have authority to employ the necessary clerks and surveyors for carrying on the work of the Commission, and to fix their pay. They shall also fix the pay of Sub-Agents and Rangers. The pay of the Commissioners shall be fixed by the Legislature.

SECTION 13. The Agent of Public Lands shall be the active business representative of the Commissioners, and shall, under their direction and through the Sub-Agents or otherwise, administer the affairs of the public lands under the provisions of this Act, and shall have authority to administer oaths in all matters relating to the administration of the public lands.

SECTION 14. The powers and duties of Sub-Agents within their respective Districts shall, subject to the control of the Commissioners and, in addition to those otherwise provided in this Act, be as follows :

1. To prevent unlawful occupation of or trespassing on Public Lands.

2. To cause all trespassers and persons unlawfully occupying Public Lands, and their effects, and all animals trespassing on such lands to be removed therefrom and such animals to impound according to law.

3. In the name of the Government to enter on any Public Lands in order to take possession thereof, and to resume possession of Public Lands in case of surrender, forfeiture or escheat.

4. To enforce contracts respecting sales, leases, licenses or other disposition of Public Lands.

5. To recover rents, purchase moneys and other moneys due the Government in respect of any sales, leases, licenses or other disposition of Public Lands, or for use and occupation thereof.

6. To recover money due the Government for injury or damage done to any Public Lands by wrongful entry and occupation or by wrongful removal therefrom or destruction of any property of the Government.

7. To bring such actions and proceedings as may be necessary to carry out the foregoing powers and duties in the name of the Government, and to defend such actions brought against the Government as may be authorized, in the Courts of the District in relation to the Public Lands thereof.

8. To keep a record of all his official transactions including all contracts made by him with individuals and between

individuals in relation to Public Lands within his jurisdiction, and all surrenders, forfeitures and escheats of such lands, and facts of the decease of any Occupier, Lessee or Freedolder and names of the successors to their rights as such.

9. To administer oaths in all matters appertaining to the administration of the Public Lands.

SECTION 15. All disputes, disagreements or misunderstandings between the parties to any Certificate of Occupation, Homestead Lease, Right of Purchase Lease or Freehold Agreement, touching the construction of such instruments or in anywise relating thereto, which cannot be amicably settled, shall be referred to the Circuit Judge in whose jurisdiction the premises in question are situated; and such Circuit Judge shall have full and exclusive authority in chambers without the intervention of a jury for adjudicating such matters, subject only to appeal to the Supreme Court.

PART IV.

LAND PATENTS.

SECTION 16. Land Patents shall be signed by the President and countersigned by the Minister of the Interior, and shall be stamped according to law, which stamp shall be paid by the purchaser.

SECTION 17. The Commissioners may with the consent of the Executive Council sell Public Lands not under lease, in parcels of not over one thousand acres, at Public auction for cash. Upon any such sale and the payment of the full consideration therefor, a Land Patent shall be issued to the purchaser.

And they may, with such consent, sell Public Lands not under lease in parcels of not over six hundred acres, at public auction upon part credit and part cash and deliver

possession under an agreement of sale containing conditions of residence on or improvement of the premises sold, or of payment by installments or otherwise of the purchase price, or all or any of such conditions.

Which agreement shall entitle the purchaser to a Land Patent of the premises upon the due performance of its conditions.

The Commissioners shall have authority to fix any upset price for all such sales for cash or part credit and part cash.

All such sales shall be held in Honolulu, or in the District where the land to be sold is situated. Any person designated by the Commissioners may act as auctioneer at such sales without taking out an auctioneer's license.

Provided, however, that Land Patents may be issued in exchange for deeds of private lands or by way of compromise upon the recommendation of the Commissioners and with the approval of the Executive Council without an auction sale, and further provided, that the President may in his discretion upon such recommendation and approval, execute quit-claim deeds for perfecting the titles of private lands where such titles are purely equitable or where such lands are suffering under defective titles, or in cases of claims to use of lands upon legal or equitable grounds.

SECTION 18. All proceeds of sales of Public Lands shall be set apart as a special fund for the payment of the Bonded Indebtedness of the Government or for the purchase of other lands as provided by Section 10 of this Act.

PART V.**GENERAL LEASES.**

SECTION 19. The Commissioners may at their discretion make general leases of Public Lands for any number of years, not to exceed twenty-one, at public auction, but no such lease shall contain a privilege of renewal nor be made for any land already under a lease which has more than two years to run. In no case shall it be lawful to collect rents on any such lease for more than one year in advance or to receive anything in the nature of a bonus for executing the same. Any such payment and receipt of rents for more than one year in advance or of such bonus shall render void the lease on account of which such advance rent or bonus is paid, upon proof thereof before any court having jurisdiction in such a case.

SECTION 20. Previous to the last two years of the term of any general lease the Commissioners shall with the approval of the Cabinet decide in regard to the premises covered by such lease whether the same shall be demised under a new lease or be reserved by the Government for other disposition thereof under this Act, or for forest improvements, or for the development of water supply, or other public uses or otherwise, or whether a part should be so reserved and a part demised under a new lease, and shall promptly notify the lessee of such lease of the nature of such decision.

SECTION 21. All General Leases shall require the payment of rent in advance, quarterly, semi-annually or annually.

SECTION 22. Any General Lease may require the lessee to fence off his live stock from any Government Forest reservation or reservation for development of water supply lying adjacent to the leased premises.

SECTION 23. The Commissioners may in their discretion

allow any lessee of a General Lease to hold the leased premises after the expiration of the term of such lease upon the conditions set forth in the lease, in case such premises are not disposed of at the expiration of the term of the old lease, but such holding over shall not in any case be allowed for a period longer than one year.

SECTION 24. Any person or persons having at the date of the approval of this Act, the right of possession to any public land except wet land under any lease, may, with the consent of the Commissioners and the approval of the Executive Council, obtain a Land Patent for the whole or any part thereof not to exceed in any case one hundred acres in area each, in one parcel, upon complying with the following condition:

1. The bona fide cultivation of not less than twenty per cent of the area to be patented, to the satisfaction of the Commissioners.

2. The payment to the Commissioners of the unimproved value of the premises to be patented, as appraised by the Commissioners.

3. The substantial performance of all the conditions of such lease to be performed by the lessee up to the time of making application.

4. The surrender of the remainder of the premises described in such lease, which may be accepted by the Commissioners at their option.

Applications for Land Patents under this section must be made to the Commissioners within six months from the date of the approval of this Act, and if the application is successful the applicant shall have three years from the date thereof in which to comply with condition 1. In case the surrender of the remainder of the premises as provided in condition 4 is

not accepted by the Commissioners, the lease shall remain in full force as to such remainder.

Provided that no person shall obtain more than one Land Patent under this Section.

Payment of the purchase price of lands patented under this Section shall be made as follows: One fourth immediately upon a successful application for the right to purchase the land specified, and the balance in equal installments in two, four and six years respectively from the date of such application with interest annually at the rate of six per cent., provided that the applicant may pay any such installment before it is due and thereby stop the corresponding interest.

SECTION 25. For the purpose of taxation the value of general leases hereafter executed shall be the value of the fee of the real estate demised, and the lessees shall be assessed thereon accordingly, such leases shall be void upon default in the payment of taxes thereon for sixty days after such taxes have become delinquent.

SECTION 26. The Commissioners may in their discretion insert in all future general leases such conditions looking to protection of forests, protection of neighboring lands from debris, wash and vegetable pests, protection of trees along roads or otherwise as shall seem to them desirable in the public interest.

SECTION 27. The violation of any of the conditions of a General Lease to be performed by the lessee, shall be sufficient cause for the Commissioners with the approval of the Cabinet to take possession of the demised premises without notice, demand or previous entry and with or without legal process and thereby determine the estate created by such lease.

PART VI.**HOMESTEAD LEASES.**

SECTION 28. The Commissioners of Public Lands are hereby authorized and instructed to cause to be surveyed and set apart from time to time suitable portions of Public Lands for the occupation of such persons as may desire to obtain homesteads under this part of this Act. Such lands shall be selected only from agricultural and pastoral lands, and shall be laid out in lots of not over eight acres in first-class agricultural land, not over sixteen acres in second-class agricultural land, not over one acre in wet land, not over thirty acres in first-class pastoral land, and not over sixty acres in second-class pastoral land, and not over forty-five acres in pastoral-agricultural land. Convenient roads as to grade and direction shall be surveyed, connecting such lots with a public road.

SECTION 29. Upon the completion of any such survey the surveyor shall furnish the Commissioners with a copy of the chart thereof and a copy to the Sub-Agent. The Agent of Public Lands shall thereupon give public notice through newspapers or posters or both in the English and Hawaiian Language, and if he deem it advisable, in any other language in which newspapers in the Republic are published, declaring the said land to be open for settlement according to the provisions therefor set forth in this Act.

SECTION 30. Such charts of survey shall be open to public inspection during business hours without charge. All applications for any of said lots shall be made in person by the applicant at the office of the Sub-Agent, and shall include a sworn declaration substantially according to the form of Schedule A. The applicant shall pay to the Sub-Agent a fee of two dollars at the time of making the application. Upon receiving any such application and the said fee the Sub-

Agent shall endorse upon the application the day and hour of receiving the same and the receipt of the said fee. In case two or more persons apply for the same lot, the one whose application is first received shall have the preference; the fee deposited by the unsuccessful applicant shall be returned to him. No application not including a declaration of qualifications as above required or not accompanied with the said fee shall be received or considered.

QUALIFICATION OF APPLICANTS.

SECTION 31. Any citizen by birth or naturalization and any person who has received letters of denization, and any person who has received special rights of citizenship, over eighteen years of age, who is under no civil disability for any offense, who is not delinquent in the payment of taxes, who has not made a false declaration in applying for land under this Act, who is not the owner in his own right of any land in the Hawaiian Islands not classed as wet land, and who is not an applicant for any other interest in land under this Act, may make application for one of the said lots for his own use and benefit under the provisions of this part of this Act.

Provided however, that any qualified person may apply for one lot of wet land in addition to land of any other description already applied for or acquired by him under this part of this Act, where such lot of wet land is reasonably near such other lot; and

Further provided, that no application of a married person whose wife or husband owns land other than one acre of wet land in her or his own right in the Hawaiian Islands, or who is an applicant for land under this Act shall be received or considered, unless the marriage status of such person has been affected by a decree or annulment, separation or divorce.

SECTION 32. If the qualifications of the applicant are satisfactory according to the foregoing statement thereof, the Sub-Agent shall execute a certificate of occupation in three parts for the lot applied for in favor of the applicant, and deliver one part to the applicant, another shall be filed with the Agent of Public Lands, and the Sub-Agent shall keep the third on file in his office. The applicant upon receiving the said certificate shall have the right to take possession of and occupy the land described therein and shall then be known as an occupier which shall also be the designation of any successors to his rights under the said certificate of occupation. The Occupier shall be entitled to a lease of said premises at the end of six years from the date of such certificate of occupation, if all of the conditions of such certificate to be performed by the Occupier shall have been substantially performed by him. The receipt of such certificate by the Occupier shall be an acceptance and affirmation of the stipulations and conditions therein set forth.

CONDITIONS OF OCCUPATION.

SECTION 33. The right of possession of the Occupier shall, in addition to the conditions set forth in Section 41, be subject to the following special conditions :

1. He shall, before the end of two years from the date of the certificate of occupation, build a dwelling house on the said premises, unless a suitable dwelling house is already a part of the same.
2. He shall before the end of two years from the date of the certificate of occupation, begin to reside on the said premises.
3. He shall continuously maintain his home on the said premises from and after the end of two years from the date of the certificate of occupation.

4. He shall, before the end of six years from the date of the certificate of occupation, reduce to cultivation and have in cultivation at one time not less than ten per cent. of the said land, or reduce to cultivation and have in cultivation at one time not less than five per cent of the said land, and plant and keep in good growing condition on the said premises an average of not less than ten timber, shade or fruit trees per acre thereof, if the same is classed as agricultural land ;

Or if the same is classed as pastoral land, he shall, before the end of six years from the date of the certificate of occupation, fence in the same.

SECTION 34. If at the end of two years from the date of the certificate of occupation, it shall appear that the occupier has failed in performing either the first or second condition set forth in the last preceding section, or if at the end of six years from such date, it shall appear that he has failed to perform either the third or fourth condition set forth in the last preceding section, the Commissioners may take possession of such premises with or without legal process, and without notice demand or previous entry, and thereby determine the estate created by such Certificate of Occupation.

CONDITIONS OF LEASE.

SECTION 35. If at the end of the said six years it shall appear that the occupier has performed all of the said special conditions set forth in Section 33 and also the conditions set forth in Section 41, the Agent of Public Lands shall certify to the President the preformance thereof, who shall thereupon execute a lease in three parts in favor of the Occupier for the term of nine hundred and ninety-nine years, which lease shall be countersigned by the Minister of the Interior. The Occupier upon receiving such lease shall thereafter be

designated the Lessee, which shall also be the designation of any successors to his rights under the same.

SECTION 36. One part of the said Lease shall be filed in the office of the Agent of Public Lands, another part filed in the office of the Sub-Agent, and the third delivered to the Lessee upon his payment of a fee of five dollars, the receipt of which shall be endorsed upon the said third part by the Sub-Agent. And no interest shall be conferred by such lease except upon delivery thereof as aforesaid and the payment of such fee, and the receipt of such lease by the Lessee shall be an acceptance and affirmation of the stipulations and conditions therein set forth.

SECTION 37. If the person named as a Lessee in any such lease shall fail to attend in person or through his agent duly authorized in writing at the office of the Sub-Agent and to pay such fee and to receive such lease, for six months after the expiration of six years from the date of his certificate of occupation the right of such person to such lease and to the land therein demised shall cease, and the said lease and the certificate of occupation relating thereto shall be void.

SECTION 38. Neither such certificate, or lease, or the interest of the Occupier or Lessee in the premises named in the same shall be assignable, either by way of mortgage or otherwise except as below provided; neither shall such certificate or lease or the interest of the Occupier or Lessee therein nor the buildings, improvements or crops at any time placed or growing upon such premises be subject to attachment, levy or sale upon execution, or upon any process in bankruptcy nor upon any process issuing from any court of this country; neither shall the premises named in such certificate or lease or any part thereof be sub-let.

Any Occupier or Occupiers, or Lessee or Lessees, holding

the whole interest in a certificate of occupation of homestead lease, may at any time surrender such interest to the Government by delivery of the certificate of occupation or lease to the Sub-Agent with the intention to surrender such interest properly endorsed thereon and signed by him or them in the presence of the Sub-Agent and duly acknowledged. Any such surrender shall release the Occupiers or Lessees from all further duty of performance of the conditions of the document surrendered. No surrender by a minor under eighteen years of age shall be valid except through a statutory guardian. Any two holders of such certificates or of such leases in any one district who are not in default in the performance of any of the conditions of their respective certificates of occupation or lease may, with the consent of the Sub-Agent and upon the payment to him of a fee of one dollar each, exchange their certificates of occupation or leases with each other, with or without any additional consideration therefor. In case of such exchange the fact of the exchange shall be endorsed by the Sub-Agent upon the said two certificates of occupation or leases and recorded in his book of records, and the Occupiers or Lessees respectively shall be liable for the performance of all unperformed conditions of the Certificates of Occupation or leases received by them in such exchange, and shall be relieved of the performance of all conditions in the leases given up by them. An Occupier and a Lessee may not exchange with each other.

SECTION 39. The right of possession of a Lessee shall, in addition to the condition set forth in Section 41, be subject to the following special condition :

He or his successors shall continuously maintain his home upon the leased premises.

SECTION 40. If it shall appear at any time that the Lessee

has failed in the performance of the said condition, or has done such acts or permitted such circumstances to exist as constitute a virtual abandonment of the said premises as a home, the Commissioners may, with or without legal process and without notice, demand or previous entry, take possession of the demised premises and thereby determine the estate created by such lease.

SECTION 41. The right of possession of an Occupier or Lessee to the premises held by them respectively under a certificate of occupation or a Homestead Lease shall, in addition to the special conditions set forth in Sections 33 and 39, be subject to the following conditions :

1. He shall pay the taxes assessed upon said premises within sixty days after the same are delinquent.

2. He shall perform any condition in such certificate of occupation or lease for the planting of trees, the protection of trees growing or to be planted on such premises, and any condition of such certificate of occupation or lease for the destruction of vegetable pests that may be on such premises or for the prevention of the future introduction of such pests thereon.

SECTION 42. The violation of any of the foregoing conditions, shall be sufficient cause for the Commissioners to take possession of the demised premises with or without legal process and without notice, demand or previous entry and thereby determine the estate created by such lease.

SECTION 43. In case of the death of any Occupier or Lessee, all the interest of such Occupier or Lessee, any conveyance, devise or bequest to the contrary notwithstanding in land held by such decedent by virtue of a certificate of occupation or a Homestead Lease shall vest in the relations of the decedent as follows :

1. In the widow or widower.
2. If there is no widow or widower, then in the children.
3. If there are no children, then in the widows or widowers of the children.
4. If there are no such widows or widowers, then in the grandchildren.
5. If there are no grandchildren, then in the fathers.
6. If there is no father, then in the mother.
7. If there is no mother, then in the brothers and sisters.
8. If there are no brothers and sisters, then in the widows or widowers of the brothers and sisters.
9. If there are no such widows or widowers, then in the nephews and neices.
10. If there are no nephews or neices, then in the widows or widowers of the nephews and neices.
11. If there are no such widows or widowers, then in the grandchildren of the brothers and sisters.
12. If there are no grandchildren of any brother or sister, then in the Republic of Hawaii.

And all such successors, except the Republic of Hawaii, shall be subject to the performance of the unperformed conditions of such certificate of occupation or lease, in like manner as the decedent would have been subject to such performance if he had continued alive.

Provided however, that if a widow or widower in whom such interest shall have vested as aforesaid, shall thereafter marry again and de cease leaving a widower or widow and a child or children of such first marriage surviving, the interest of the deceased shall vest in such child or children. And further provided, that in case two or more persons succeed together to the interests of any Occupier or Lessee, according to the foregoing provisions, they shall hold the same by joint tenancy so long as two or more shall survive, but upon the

death of the last survivor, the estate shall descend according to the provisions of the first part of this Section. And in case of such joint tenancy the continuous residence of any such tenants upon the premises shall be sufficient performance of the conditions of residence set forth in Sections 33 and 39.

SECTION 44. In case of the death of an Occupier or Lessee the interest of the successors shall not be liable to forfeiture during a period of six months from such death. If no successors to the deceased tenant take possession of the premises within a year from the death of such tenant, the premises shall thereupon vest in the Government.

SECTION 45. In case two or more persons succeed together to the interest of an Occupier or Lessee, any one or more of such persons less than the whole number may file in the office of the Sub-Agent an offer to the remainder of such persons to buy their interest in the premises or to sell to them their own interest therein at a stated price according to the proportion of the respective interest in question, and may deposit with the Sub-Agent the amount of such offered price in money, with a fee of ten dollars. The Sub-Agent shall thereupon notify the parties to whom such offer is made of the nature of the offer and order them to file with him their answer within sixty days whether they will buy or sell according to such offer. If the parties to whom such offer is made, file with the Sub-Agent within sixty days of the time of their receiving such notification of their answer stating that they will sell their interest according to the terms of the offer, the Sub-Agent shall endorse the fact of such sale with the amount of the consideration on the certificate of occupation or the lease as the case may be, and pay to such parties the amount of such consideration deposited with him according to their individual interest; and the interest of

such parties shall thereupon vest in the parties making the said offer. The fact of such transfer shall be properly recorded in the official records of the Sub-Agent and endorsed upon the certificate of occupation or lease held by the Occupier or Lessee. If however, the parties to whom such offer is made fail to answer within sixty days from the time of their being notified of such offer or within sixty days from the time the notice of such offer is mailed to their last known place or places of abode or shall answer within sixty days that they will buy the interest of the parties making such offer on the terms offered; but fail within sixty days after such notification to deposit the amount representing the value of such interest according to the terms offered, their interest shall vest in the parties making the offer and the amount of such consideration shall be paid by the Sub-Agent to them individually or their respective representatives upon application. In such case the fact of such transfer shall be recorded and endorsed as above provided.

But if the parties to whom such offer is made shall, within sixty days from the time of such notification, make answer to the Sub-Agent that they will buy the interest of the offering parties and shall deposit within sixty days with him the amount required for such purpose according to the terms of the offer, the Sub-Agent shall endorse and record the fact of such sale as above provided, and pay to the offering parties the said amount according to their individual interests; and the interest of the offering parties shall thereupon vest in the answering parties. In such case the consideration money deposited by the offering parties shall be returned to them.

SECTION 46. The limit of sixty days above provided in which parties shall answer, shall date from the time the last person entitled to notification is notified, in the manner above set forth. No transfer of interests in a certificate of occupa-

tion or a lease owned by two or more persons as provided in Section 45 shall be valid if any of the said persons are minors under the age of eighteen years unless such minors are represented by statutory guardians.

SECTION 47. Land held by two or more persons under a homestead lease, shall not be subject to partition.

SECTION 48. In case the interest in any such certificate of occupation or lease should vest solely in a married woman or a minor under the age of eighteen years under the provisions of Section 43, the conditions of residence set forth in Sections 33 and 39 shall be satisfied respectively during coverture of such married woman, or during the time such minor is under eighteen years of age, by the residence of an agent.

SECTION 49. In case two occupiers or one occupier and one lessee should inter-marry not less than twelve months after the date of the most recent certificate of occupation taken out by either of them, the said conditions of residence shall be satisfied by their residence on either of their holdings.

SECTION 50. Land held either under a certificate of occupation or under a homestead lease, shall be liable to taxation as estates held in fee.

SECTION 51. Certificates of occupation and homestead leases shall not require to be stamped.

SECTION 52. In case of a surrender by Occupiers or Lessees of their interest to the Government, as provided in Section 38, if all the conditions of the surrendered certificate of occupation or lease to be performed by the Occupier or Lessee up to the time of such surrender shall have been substantially performed, the persons so surrendering such interest shall be entitled to receive from the Government the value of the permanent improvements on the premises surrendered, whenever

such value shall be received by the Government from a new tenant according to the provisions of Section 54, and the Minister of Finance is hereby authorized to pay the amount of such valuation upon the requisition of the Commissioners out of any funds available for such purpose.

SECTION 53. In case the interest of a married woman, or a minor under the age of eighteen years, being the sole owner of a homestead lease under the provisions of Section 43, shall be forfeited for non-performance of condition of the certificate of occupation or lease when such forfeiture is due to such coverture or infancy, such owner shall be entitled to receive from the Government the value of the permanent improvements on the forfeited premises whenever such value shall be received by the Government from a new tenant according to the provisions of Section 54, and the Minister of Finance is hereby authorized to pay the amount of such valuation upon the requisition of the Commissioners out of any funds available for such purpose.

SECTION 54. In case of the surrender, forfeiture or escheat to the Government of a Homestead Lease, the land held thereunder may be held open for settlement, charged with the value of the permanent improvements thereon, as a Homestead Lease, a Right of Purchase Lease, or a Cash Freehold, or may be reserved for public uses in the discretion of the Commissioners. If such premises are held open for settlement as aforesaid the unimproved value thereof and the value of the permanent improvements thereon shall be appraised separately. The appraisement shall be made by a board consisting of the Sub-Agent and another person to be appointed by the Commissioners. Such appointed appraiser shall not be a person holding a Government office. Said appraisement shall be subject to review by the Commissioners and the appraisement adopted by them shall be good for one year, after

which time the premises may be appraised anew as aforesaid. If the premises shall be disposed of under the provisions relating to homestead leases or right of purchase leases, the new tenant shall pay for such permanent improvements in cash upon receiving his certificate of occupation or lease. But if such premises are held for settlement as a Cash Freehold they shall be offered at auction at the aggregate sum of the appraised value of the permanent improvements and the unimproved value thereof as an upset price.

PART VII.

RIGHT OF PURCHASE LEASES AND CASH FREEHOLDS.

SECTION 55. The Commissioners of Public Lands with the approval of the Cabinet are hereby authorized and instructed to cause to be surveyed and set apart from time to time suitable portions of public lands for the occupation of such persons as may desire to obtain holdings under this part of this Act. Such lands shall be selected only from agricultural and pastoral lands and shall be laid out in lots of not over one hundred acres in first-class agricultural land, not over two hundred acres in second-class agricultural land, not over two acres in wet land, not over six hundred acres in first-class pastoral land, not over twelve hundred acres in second-class pastoral land, and not over four hundred acres in mixed agricultural and pastoral land. Convenient roads as to grade and direction shall be surveyed connecting such lots with a public road.

APPRAISEMENT.

SECTION 56. Upon the completion of any such survey, a board of appraisers, consisting of the Sub-Agent and another person appointed by the Commissioners, shall appraise the same at a reasonable market rate, and report such appraisement to the Commissioners by a written statement clearly

referring to the lots by number as laid out in the chart of the survey. Such appointed appraiser shall not be a person holding any other Government office. And the surveyor shall furnish the Commissioners with a copy of such chart, upon which is clearly marked in figures, within the lines defining each lot, the amount of the appraisement thereof in dollars and cents, and a similar copy to the Sub-Agent, provided that such appraisement may be altered by the Commissioners. Such charts of survey shall be open to public inspection during business hours, without charge.

SECTION 57. The Agent of Public Lands shall thereupon give public notice, in the English and Hawaiian languages, through newspapers and posters, and if he deem it advisable, in any other language in which newspapers in the Republic are published, and shall post such notice at the Post Office and Court House of the District, declaring such lots to be open for settlement according to the provisions therefor in this part of this Act.

QUALIFICATIONS OF APPLICANTS.

SECTION 58. Any person who is over eighteen years of age who is a citizen by birth or naturalization or who has letters of denization or who has received special rights of citizenship, who is under no civil disability for any offense, who is not delinquent in the payment of taxes, who has not made a false declaration in applying for land under this Act, who does not own any agricultural land not classed as wet land, nor any pastoral land in the Hawaiian Islands, and who is not an applicant for any other interest in land under the provisions of this Act, may apply for one of the said lots for his own sole use and benefit, either as a Right of Purchase Lease or as a Cash Freehold.

Provided, however, that any qualified person may apply

for one lot of wet land in addition to land of any other description already applied for or acquired by him under this part of this Act, where such wet land is in the neighborhood of such other land, and

Further provided, that any qualified person who owns less than one hundred acres of first-class agricultural land, or less than two hundred acres of second-class agricultural land, or less than six hundred acres of first-class pastoral land, or less than twelve hundred acres of second-class pastoral land, which is not subject to a condition of residence, and who owns in fee no other agricultural nor pastoral land, except wet land, shall be competent to acquire under the provisions of this part of this Act so much additional land of the class already held by him as together with such land shall not exceed in the aggregate the above mentioned maximum quantity for such class, or shall be competent to acquire additional land of some other description, except wet land, in the ratio of twelve parts of second-class pastoral land, six parts of first-class pastoral land, or two parts of second-class agricultural land to one part of first-class agricultural land, sufficient to take up such maximum quantity relatively, according to the class of the new land applied for; and further provided, that both husband and wife may not be applicants for holdings under this part of this Act unless their marriage status has been affected by a decree of annulment, separation or divorce.

RIGHT OF PURCHASE LEASES.

SECTION 59. All applications for Right of Purchase Leases shall be made in person by the applicant at the office of the Sub-Agent during office hours, and shall include a sworn declaration substantially according to the form of Schedule A. The applicant shall pay to the Sub-Agent a fee corres-

ponding in amount to six months rent of the premises applied for, which fee shall be credited to him on account of rent if his application is successful, and if unsuccessful shall be returned to him. Upon receiving such application and such fee, the Sub-Agent shall endorse upon the application the day and hour of receiving the same and the receipt of said fee. In case two or more persons apply for the same lot, the one whose application is first received shall have the preference. No application not including a declaration of qualifications as above required and not accompanied with the said fee shall be received or considered.

SECTION 60. If the qualifications of the applicant are satisfactory according to the foregoing requirements, the Sub-Agent with the approval of the Agent of Public Lands shall execute a lease in three parts in favor of the applicant, for the lot applied for, and shall deliver to the applicant one part of such lease, another part shall be filed with the Agent of Public Lands, and the Sub-Agent shall keep the third on file in his office. The applicant on receiving such lease shall be designated the Lessee, which shall also be the designation of any successors to his rights under the same. The receipt of such lease by the Lessee shall be an acceptance and affirmation of the stipulations and conditions therein set forth.

CONDITIONS OF RIGHT OF PURCHASE LEASES.

SECTION 61. Such lease shall be made for a term of twenty-one years to be reckoned from the next first day of April or October following the date thereof and shall also include and require rent for the period between the date of the lease and such day, and shall be subject to the following conditions :

1. A yearly rental of eight per centum on the appraised value of the land, payable in equal parts half-yearly in ad-

vance on the first day of April and the first day of October of each year to the Sub-Agent.

2. The lessee shall from the end of the first year of the said term to the end of the fifth year thereof continuously maintain his home on such premises.

3. He shall before the end of the third year of the said term, reduce to cultivation and have under cultivation not less than five per centum of such premises, and at the end of the fifth year of the said term reduce to cultivation and have under cultivation at one time not less than ten per centum of such premises, and plant and keep in good growing condition on the said premises an average of not less than ten timber, shade or fruit trees per acre of the whole area if the same is classed as agricultural land; or if the same is classed as pastoral land he shall fence in the same. If the premises are classed as pastoral-agricultural land the foregoing alternative conditions shall apply respectively to the two kinds of lands.

4. He shall not assign his said interest under the said lease or any part thereof without the written consent of the Commissioners. Provided that a Lessee or Lessees holding the whole interest in a Right of Purchase Lease, may at any time when all the conditions of the Lease to be performed by the Lessee up to such time shall have been substantially performed, surrender such interest to the Government by delivery of such lease to the Sub-Agent with the intention of the holders to surrender the same clearly endorsed thereon and signed by them in the presence of the Sub-Agent. Any such surrender shall release the Lessee from all further duty of performance of the conditions of the document surrendered, but no surrender shall be valid if one of the Lessees is a minor under eighteen years of age, unless such minor is represented by a statutory guardian. And further provided

that any such Lessee over the age of eighteen years of age may assign his interest to his co-tenant.

SECTION 62. The violation of any of the foregoing conditions shall be sufficient cause for the Commissioners, with the approval of the Cabinet, to take possession of the demised premises without notice, demand or previous entry, and with or without legal process and thereby determine the estate created by such lease.

SECTION 63. In case two or more persons become co-tenants under any such lease by inheritance or otherwise, any of them may compel the remainder to buy or sell according to the provisions of Section 45.

SECTION 64. At any time after the third year of the said term, the Lessee shall be entitled to a Land Patent from the Government conveying him in fee simple the land described in his lease, upon his paying to the Government the appraised value of the premises as set forth in such lease, if he has reduced to cultivation twenty-five per cent. of said premises and has resided thereon not less than two years, and has substantially performed all other conditions of his lease.

CASH FREEHOLDS.

SECTION 65. All applications for Cash Freeholds shall be made in writing, or partly in writing and partly in print, at the office of the Sub-Agent and shall include a sworn declaration substantially according to the form of Schedule A, and shall be accompanied with a fee amounting to ten per centum of the appraised value of the lot applied for, which fee shall be forfeited in case the applicant should fail to take the premises at the upset price in case there should be no higher bid therefor, and if the applicant should be successful such fee shall be credited to him on account of his first install-

ment ; but if there is a higher bid than the upset price and the applicant fails to obtain the premises the said fee shall be returned to him.

No such application not including such declaration or not accompanied by such fee, shall be considered. Upon receiving any such application and the said fee, the Sub-Agent shall endorse upon the application the day and hour of receiving the same and the receipt of the said fee.

SECTION 66. Upon applications for Cash Freeholds the Commissioners shall give notice through newspapers or posters or both in the English and Hawaiian languages, and if they deem it advisable in any other language in which newspapers in the Republic are published, of auction sales thereof at such times and places in the District as they shall decide, or at the Executive Building in Honolulu. Such notice shall specify the lot to be offered for sale and the appraised value thereof as the upset price.

SECTION 67. If there are two or more applications and there is no bid above the upset price the one whose application is first received shall have the preference. The Sub-Agent or any other person authorized by the Commissioners may act as auctioneer at such sales without taking out an auction license.

SECTION 68. A purchaser at any such sale shall immediately pay one-fourth of the purchase price and shall thereupon be entitled to receive a certificate which shall be termed a Freehold Agreement, and shall be executed in three parts, one of which parts shall be filed with the Sub-Agent, one part shall be delivered to the applicant, and the third filed with the Agent of Public Lands. In case of a failure of such purchaser to immediately pay such one-fourth of such purchase price, the person acting as auctioneer shall declare

the sale off and shall either knock down the premises to the next highest bidder, or shall put them up again forthwith or shall withdraw them from the auction for the time being. The purchaser upon receiving such Freehold Agreement shall be designated the Freeholder, which shall also be the designation of any successors to his rights under the same. Such receipt of Freehold Agreement shall be an acceptance and affirmation of the stipulations and conditions therein contained. Such Freehold Agreement shall authorize the Freeholder to occupy and use the premises therein described and shall entitle him to a Land Patent for such premises at the end of three years from the date of the payment of such first installment which shall be the date of the Freehold Agreement if the following conditions shall then have been substantially performed :

1. Payment of the balance of the purchase price in equal installments, in one, two and three years respectively, from the date of the Freehold Agreement with interest annually at the rate of six per centum, provided, that the Freeholder may pay such installment before it is due, and thereby stop the corresponding interest.

2. Cultivation of not less than twenty-five per centum of the area of the said premises, and the planting and care of not less than an average of ten timber, shade or fruit trees per acre, if agricultural land, at any one time before the end of the third year of fencing in the same if pastoral land within such time ; provided that if the premises are classed as pastoral-agricultural land, the foregoing alternative conditions shall apply respectively to the two kinds of land.

3. Maintenance by the freeholder of his home on such premises from the end of the first to the end of the third year.

4. He shall not assign or sub-let, conditionally or otherwise, his interest or any part thereof, under the Freehold Agreement, without the written consent of the Agent of Public Lands endorsed on such agreement ; and

Further provided, that freeholders having the whole interest in a freehold agreement may at any time when all the conditions thereof to be performed by the freeholder up to such time shall have been substantially performed, surrender to the Government such interest by delivery of the Freehold Agreement to the Sub-Agent with the intention to surrender the same clearly endorsed thereon, and signed by them and duly attested. Such surrender shall release the freeholders from all further duty or performance of the conditions of the instrument surrendered. But no such surrender shall be permitted if any such freeholders are under the age of eighteen years unless such minors are represented by statutory guardians ; and

Further provided, that any freeholder over the age of eighteen may assign his interest to his co-tenants.

5. Conditions for the prevention of waste, the planting of trees or the protection of trees growing or to be planted on such premises, or for the destruction of vegetable pests that may be on such premises or the prevention of the future introduction of such pests thereon.

6. He shall allow the agents of the Government at all times to enter and examine the premises.

7. Payment of all taxes that may be due on account of the said premises.

SECTION 69. In case of default in the payment of any of the said installments for thirty days after the same are due respectively, or failure of performance of any other of the said conditions, the Commissioners, with the approval of the

Cabinet, may take possession of such premises without notice, demand or previous entry and with or without legal process, and thereby determine the estate created by such Freehold agreement.

LAPSES, FORFEITURES AND SURRENDERS.

SECTION 70. Upon the determination of a right of purchase lease by lapse of time, or upon the forfeiture or surrender of such lease or a freehold agreement, the Commissioners may in their discretion and within the limit of their authority open the premises or any part thereof for settlement or reserve or dispose of the same in any manner or for any of the objects provided in this Act. And if the same are disposed of under the provisions of Part 7, they shall be re-appraised, provided that in case of premises surrendered under a right of purchase lease or a cash freehold, if disposed of either under the provisions of Part 6 or 7, the value of the permanent improvements and the unimproved value of the premises shall be appraised separately, as provided in Section 54, and the incoming tenant shall pay for such improvements as therein provided; and the value of such permanent improvements shall, when received by the Government as aforesaid, be paid to the surrendering lessees or freeholders, and the Minister of Finance is hereby authorized to pay the amount of such valuation upon the requisition of the Commissioners out of any funds available for such purpose.

PART VIII.

SETTLEMENT ASSOCIATIONS.

SECTION 71. In case six or more persons who are qualified to apply for Cash Freeholds under this Act, shall form themselves into a Settlement Association, and apply for holdings in one block of land, the Commissioners may with the ap-

proval of the Cabinet cause to be surveyed lots is one block corresponding in number to the number of persons forming such association in agricultural or pastoral land or both according to the provisions of this Act.

SECTION 72. The provisions of this Act relative to Cash Freeholds shall be followed in the settlement of such block of land and shall apply to all matters relating to the occupation thereof and the rights and obligations of the Government and Freeholders under such occupation, provided that the notice by the Agent of Public Lands declaring such land open for settlement shall be directed to such Settlement Association and shall be in one language only; and further provided, that in case of the surrender or forfeiture of the holding of any member of such Association, such holding if declared open for settlement shall be open to any applicant under the provisions of this part of this Act.

SECTION 73. If any lot of such block of land shall be left for three months after such block is declared open for settlement without being taken up by any member of such Settlement Association, the same may be declared open for settlement by any applicant under the provisions of this Act, relative to Cash Freeholds or may be disposed of in any other manner provided in this Act or may be reserved for public uses or otherwise at the discretion of the Commissioners.

SECTION 74. In case of a vacancy occurring in the membership of a Settlement Association by the death, resignation or expulsion of a member who has not acquired a holding in such block, such vacancy may be filled by the Association with the approval of the Commissioners. But in no case shall any member of such Association be allowed to take up more than one lot.

SECTION 75. An application of a Settlement Association for a block of land shall contain a list of the names, age, nationality and occupations of the members, whether married or unmarried, and the area which each member desires to acquire.

PART IX.

OLAA RESERVATION.

SECTION 76. Any person holding land individually or in conjunction with others, situate in the Ahupuaa of Olaa, District of Puna on the Island of Hawaii, under a lease from the Commissioners of Crown Lands (not reserving rent for the first three or five years of such lease), shall at any time after the first payment of rent, which is hereby reduced for such leases to one dollar per acre annually in the case of all leases reserving a large amount, upon the improvement of not less than fifteen per cent of the area of the land to be patented, to the satisfaction of the Commissioner which improvements shall include the bona fide cultivation of coffee or fruit, field or garden crops, or all or any of such crops, and payment to the Commissioners of the unimproved value of the premises to be patented according to the appraisalment stated in Section 79, be entitled to receive from the Government a Land Patent for any portion of his leased premises in one parcel within two hundred acres in extent and including such improved portion, if all the conditions of such lease to be performed by such lessee up to such time, shall have been substantially performed.

Provided, however, that condition five of such lease for the purpose of making such lease good, shall be deemed to have been substantially performed when improvements or cultivation shall have been made on such premises to the aggregate value of two hundred dollars. No Land Patent, however,

shall be issued for any portion of said premises until improvements or cultivation to the extent of two hundred dollars in addition to the fifteen per cent above named shall have been shown to have been made.

Any such person as aforesaid whose lease covers less than two hundred acres of land and who has improved not less than thirty acres thereof, shall upon fulfilling the above mentioned requirements, have the privilege of purchasing an additional area according to the appraisalment stated in Section 79, provided the aggregate acreage of his holding shall not exceed two hundred acres. No Land Patents shall be issued under the provisions of this Section for any portion of such leased premises lying within one hundred and fifty feet from the Volcano Road, nor for premises under any one lease with a front toward the Volcano Road, if contiguous thereto, longer than the frontage of two fifty acre lots as laid out by the Olaa survey.

Provided however, that every land patent under the provisions of this Section for premises contiguous to and fronting toward the Volcano Road, shall include a strip or strips connecting such premises with the Volcano Road and approximately at right angles thereto, which shall be located as the applicant shall desire and the aggregate width of which shall not be over four hundred feet.

SECTION 77. Any corporation having, at the date of the approval of this Act, the right of possession to land in said Ahupuaa of Olaa under a lease from the Commissioners of Crown Lands, at any time after the first payment of rent, which is hereby reduced for such leases to one dollar annually per acre in the case of all leases reserving a larger amount, upon the improvement of fifteen per cent. of the area of the premises to be patented, to the satisfaction of the Commis-

soners, which improvements shall include the *bona fide* cultivation of coffee, or fruit, field or garden crops, and payment to the Commissioners of the unimproved value of the premises to be patented according to the appraisement stated in Section 79, shall be entitled to receive from the Government land patents for the whole or any portion of such premises respectively in one parcel, if all the conditions of such lease to be performed by the respective lessees up to such time shall have been substantially performed; provided, however, that no land patents shall be issued under the provisions of this Section for any portion of such leased premises lying within one hundred and fifty feet from the Volcano Road.

Provided further, that every land patent issued under the provisions of this Section for premises contiguous to and fronting toward the Volcano Road, shall include a strip or strips connecting such premises with the Volcano Road and approximately at right angles thereto, which shall be located as the applicant shall desire, the aggregate width of which shall not be over four hundred feet; and provided further, that the provisions of this Section shall apply only to those of such corporations as are or may hereafter be incorporated under the laws of the Republic of Hawaii.

SECTION 78. Payment of the purchase price of lands patented under Sections 76 and 77 shall be made as follows: One-fourth immediately upon a successful application for the right to purchase the lands specified, and the balance in equal installments in two, four and six years respectively from the date of such application, with interest annually at the rate of seven per centum, provided that the applicant may pay any such installment before it is due, and thereby stop the corresponding interest. The premises thus sought to be patented shall, from the date of such application accompanied by one-fourth of the purchase price, be free from the stipulations of

such Crown Lease, which shall, however, remain in full force as to the remainder of the premises described therein. Provided, however, that the remainder of the premises held under such lease may with the approval of the Commissioners be surrendered, and provided further, that the provisions of this Section shall apply only to those of such corporations as are or may hereafter be incorporated under the laws of the Republic of Hawaii.

SECTION 79. The land covered by the Crown Leases above referred to is hereby appraised as follows :

The first line of fifty acre lots nearest the Volcano Road, according to the Olaa survey, six dollars per acre; the second line of fifty acre lots, four dollars per acre; all other lots, three dollars per acre.

SECTION 80. The land exempted from sale along the Volcano Road by Sections 76 and 77 is hereby reserved as a permanent park to be devoted to forest growth and other features of park improvement and no part of the same shall be sold or leased by the Commissioners without the consent of the Executive Council nor without first offering the same to the owner of the land immediately in the rear upon the terms specified in Sections 78 and 79.

PART X.

PUUKAPU, KAIMU AND WAIKOLEA RESERVATIONS AND NATIVE RESERVATIONS OF OLAA.

SECTION 81. Any person holding land situate in said Ahupuaa of Olaa under a lease from the Commissioners of Crown Lands not reserving rent for the first five years of such lease or situate in the Ahupuaas of Kaimu and Waiakolea in said District of Puna, or in the Ahupuaa of Puukapu in the District of South Kohala, on said Island of Hawaii, under a

lease from the Crown Commissioners for a term of thirty years, may at any time after the first payment of rent, when all the conditions of such lease to be performed by the Lessee previous to such time shall have been substantially performed, receive from the Sub-Agent upon applying therefor and paying to him the requisite deposit money, a Certificate of Occupation, a Right of Purchase Lease, or a Freehold Agreement, at the option of the applicant, for the premises described in such Crown Lease. Upon receipt of such Certificate of Occupation, Right of Purchase Lease or Freehold Agreement by such person, the said Crown Lease shall be void.

SECTION 82. Under the provisions of Section 81 the deposit money upon application for a Certificate of Occupation shall equal twenty-five cents for each acre of the premises under consideration; upon application for a Right of Purchase Lease, the deposit money shall equal six months' rent of the premises under consideration, which shall be credited to the applicant on account of rent if the application is successful; upon application for a Freehold Agreement, the deposit shall correspond to one-fourth of the purchase price of the premises under consideration, and shall be credited on account of the purchase if the application is successful. If any of such applications are unsuccessful the deposit money shall be returned to the applicant.

SECTION 83. The land covered by the said Crown Leases in said Olaa, Kaimu, Waiakolea and Puukapu is hereby appraised at two dollars and a half an acre for the purpose of the foregoing provisions for furnishing the Lessees thereof Right of Purchase Leases and Freehold Agreements. Such appraisement shall fix the value of land taken under Freehold Agreements without an auction sale.

SECTION 84. Except as above provided, the general provisions relating the Homestead Leases, Right of Purchase Leases, and Cash Freeholds shall apply to the status of the said parties; securing such holdings, respectively; provided that any continuous residence performed by such parties under the said Crown Leases shall be credited to them in like manner as if the same had been performed under the Certificate of Occupation, Right of Purchase Leases or Freehold Agreement so obtained by them respectively as performance or part performance of the residence condition of such instruments.

PART XI.

SECTION 85. From and after the publication of this Act, no land shall be opened for settlement under the provisions of Chapter 87 of Session Laws of 1892, entitled An Act to Consolidate and amend the law entitled "An Act to Facilitate the Acquiring and Settlement of Homesteads," otherwise known as the Homestead Act, which Act shall however remain in force in relation to such lands as have been already taken up by settlers.

SECTION 86. An Act entitled "An Act to create a sinking Fund," approved December 31st, 1864, and An Act entitled "An Act to relieve the Royal Domain from encumbrances and to render the same inalienable," approved January 3rd, 1865, are hereby repealed. Section 36, 39, 40, 42, 43, 44, 45, 46 and 47 of the Civil Code, Chapter 44 of the Laws of 1876, Chapter 5 of the Laws of 1878, Chapter 87 of the Laws of 1892, and Act No. 48 of the Laws of the Provisional Government of the Hawaiian Islands, are hereby amended to conform to the provisions of this Act.

SECTION 87. This Act shall take effect from and after the date of its publication.

SCHEDULE A.

Form of Declaration of Application for Homestead Leases,
Right of Purchase Leases, or Cash Freeholds.

HAWAIIAN ISLANDS, }
ISLAND OF } ss.

I being sworn, say that I am over eighteen years old; that I am a citizen by birth (or naturalization) of the Republic of Hawaii (or that I have received letters of denization under the Republic of Hawaii); (or that I have received a certificate of Special Right of Citizenship from the Republic of Hawaii); that I am under no civil disability for any offense; that I am not delinquent in the payment of taxes; that I have made no false declaration in applying for land under Land Act, 1895; that I am married (or unmarried); that I do not own land in the Hawaiian Islands not classed as wet land (if married that wife or husband does not own such land); (or if an owner of such land and an applicant for enough more land as a Right of Purchase Leasehold or a Cash Freehold to make up with the land already held by him the maximum quantity as allowed and provided by Section 58, Land Act, 1895, that he owns such and such areas of such and such classes); that besides the land now applied for I am not an applicant for any interest in land under Land Act, 1895 (if married that the wife or husband is not such an applicant), and that I am applying for the said land solely for my own use and benefit.

Approved this 14th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 27.

AN ACT TO PROVIDE FOR THE IMPORTATION AND SALE OF ALCOHOL FOR MEDICAL PURPOSES, AND THE MANUFACTURE AND SALE OF METHYLATED SPIRITS, AND TO REPEAL CHAPTER XC. OF THE SESSION LAWS OF 1892, RELATING TO THE IMPORTATION AND SALE OF ALCOHOL FOR MEDICAL PURPOSES AND OF METHYLATED SPIRITS.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Wherever in this Act the words "methylated spirits" are used, they shall mean ethylic alcohol to which has been added at least one ninth its bulk of pyroxylic spirits.

Wherever in this Act the word "alcohol" is used, it shall mean the ordinary alcohol of commerce known as ethylic alcohol.

SECTION 2. The Minister of the Interior is hereby authorized to grant to any holder of a license to import and sell poisonous drugs a license to sell methylated spirits and alcohol. The fee for such license shall be the sum of fifty dollars each year, and the license shall be for the term of one year from the date of issue.

SECTION 3. Before granting said license, a good and sufficient bond to the said Minister in the sum of One Thousand Dollars secured in not less than double the amount of the penalty shall be required. The condition of the bond shall be, that the holder of said license shall observe and comply with the provisions of Section 6 of this Act.

The said Minister is likewise authorized to require any

other conditions or security to insure the due observance of this Act.

All importations of alcohol and preparations thereof and methylated spirits, by or for a licensee under this Act, shall be sent direct from the importing vessel to the Custom House for inspection.

SECTION 4. The Collector General of Customs is hereby authorized to permit holders of the licenses herein provided to withdraw methylated spirits from the Custom House upon payment of a duty of one dollar per gallon.

The Collector General shall cause such alcohol to be methylated in the Custom House and examined and passed upon by the Government Chemist, who shall previous to the withdrawal certify that the same has been properly methylated as required by this Act.

SECTION 5. The Collector General of Customs is hereby authorized to permit the holders of licenses herein provided, to withdraw not more than 150 gallons of alcohol in any one year from the Custom House upon the payment of two dollars per gallon duty.

Provided, however, that the 150 gallons so to be withdrawn, shall only be used by said licensee for all medicinal purposes or for sale to a duly licensed physician.

And further provided, that all alcohol in excess of said 150 gallons that may be withdrawn by said licensee shall pay a full spirit duty according to its strength as provided by law for spirits of like strength.

SECTION 6. The holders of licenses for the sale of methylated spirits and alcohol under this Act are hereby prohibited from selling alcohol except to a duly licensed physician and no greater quantity than one gallon at any one sale shall be sold to such physician. It shall be incumbent upon any

holder of a license under this Act to keep a book in which he shall write or cause to be written down the quantity of alcohol sold at each sale, the date of such sale, the name of the physician to whom the alcohol was sold, also the quantities consumed by the licensee and the purposes itemized in detail, for which it was used. Such book, and the quantity of alcohol in possession of the licensee, shall always be accessible for inspection by any clerk or officer of the Government whom the Minister of the Interior may appoint to perform such inspection. It shall also be incumbent upon any holder of a license under this Act during the first week of every month to file with the Minister of the Interior a sworn statement showing the amount of alcohol on hand at the beginning of the preceding month, the quantity sold during the month, to whom, the quantity consumed by the licensee, and also the amount remaining on hand at the end of said month.

SECTION 7. Any person who shall be convicted of selling or furnishing methylated spirits or alcohol without a license to sell the same, shall be liable to a fine of not less than one hundred nor more than two hundred and fifty dollars.

Any person holding a license under this Act who shall violate any of the provisions herein contained, shall for the first offense be liable to a fine not exceeding one hundred dollars and for the second offense be liable to a fine not exceeding two hundred and fifty dollars, and the forfeiture of both licenses mentioned in Section 2 of this Act, and the penalty on the bond provided for in Section 3 shall at once become due.

Jurisdiction to hear and determine all cases arising under this Act is hereby conferred on District Magistrates, subject to the right of appeal.

SECTION 8. This Act shall take effect from and after the

date of its approval, and Chapter XC. of the Session Laws of 1892, and other laws and parts of laws inconsistent herewith are hereby repealed; provided, however, that nothing in this Act shall be deemed to repeal or conflict with Act 10 of the Laws of the Republic of Hawaii, approved on the 18th day of October, 1894.

Approved this 15th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTIONS.

JOINT RESOLUTION.

BE IT RESOLVED, By the Senate and House of Representatives, that the President of the Republic be requested to appoint a Committee of three persons to investigate the fresh meat trade of Honolulu in its relations to the public health, and also in regard to any tendency in such trade toward a monopoly, and report their findings to the Legislature of 1896.

Honolulu, H. I., July 12th, 1895.

Approved this 5th day of August, 1895.

SANFORD B. DOLE,

President of the Republic of Hawaii.

JOINT RESOLUTION.

BE IT RESOLVED, By the Senate and House of Representatives of the Republic of Hawaii, that the President of the Republic be requested to appoint a Commission to consist of three civil engineers to inquire into and report with all convenient dispatch to the Legislature of the Republic of Hawaii as to the feasibility of making a new road over the Nuuanu Pali and its probable cost.

Approved this 5th day of August, 1895.

SANFORD B. DOLE,

President of the Republic of Hawaii.

JOINT RESOLUTION.

RESOLVED, That a Joint Committee of two members from each House be appointed to consider designs for a Great Seal and Department Seals, and to report the same for adoption.

Approved August 5th, 1895.

SANFORD B. DOLE,

President of the Republic of Hawaii.

JOINT RESOLUTION.

BE IT RESOLVED, By the Senate and House of Representatives, that the President of the Republic appoint a Commission of Three, whose business it shall be to look into the workings of the Auditing Department under the present law, and to inquire into the needs of a more efficient auditing system, and at their discretion to formulate and lay before the regular session in February next, a revised Audit Law embodying their conclusions.

Honolulu, H. I., July 12th, 1895.

Approved this 5th day of August, 1895.

SANFORD B. DOLE,

President of the Republic of Hawaii.

JOINT RESOLUTION.

WHEREAS, The system of land transfer and registry of deeds now in vogue in this country is unsatisfactory and fails to accomplish the object intended, and

WHEREAS, The great uncertainty in many of the titles to land tends to hinder and obstruct the development and progress of the country.

BE IT RESOLVED, By the Senate and the House of Representatives that the President of the Republic be requested to appoint a commission consisting of three suitable persons to consider the practical working of our system of land transfer and registry of deeds as compared with the different systems in operation in other countries and make report thereon to the next Session of the Legislature with such recommendations as to them shall seem proper.

RESOLVED, also, that a copy of these resolutions be transmitted to the President.

Approved this 5th day of August, 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

WHEREAS, It is admitted by all that the excessive use of intoxicating liquor is one of the greatest evils existing in the world to day; that the results of the intemperate use of intoxicants are most disastrous to the prosperity of the individuals, and burdensome to the community; and,

WHEREAS, The alarming increase in the consumption of Saki by the native population of this Republic shows that a new danger menaces the welfare of this people; and,

WHEREAS, The probable influx of population, following the expected annexation of the Republic of Hawaii to the United States of America, would seem to render desirable the immediate establishment of the best possible means of regulating

this evil, as shown by the experience of other countries ; now, therefore,

BE IT RESOLVED, That a commission be established, to consist of seven members, whose duty it shall be to thoroughly investigate the condition of the liquor traffic in this Republic; to ascertain the effect of the present bearing upon the traffic in this and other countries, and to obtain all possible information relating to the legal regulation of this traffic, presenting their report at the regular session of the Legislature in February, 1896, together with an appendix containing a draft of such a law as would, in their opinion, remedy the existing evils as far as possible ; and,

That we do further recommend for appointment as members of such commission, two members from each branch of the Legislature, to be appointed by the Chairman thereof, and three members from the community at large, to be appointed by the President of the Republic, all members to serve without pay.

Approved this 5th day of August, 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

BE IT RESOLVED, By the Senate and House of Representatives, that the President be authorized to appoint a Commission of three persons to consider the subject of the use of Electricity for Street Railways in Honolulu, and the granting of a Franchise for such purpose, and terms and limitations

which should be placed upon such franchise, and to report to the Legislature of 1896, thereon.

Approved this 7th day of August, 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

BE IT RESOLVED, By the Senate and the House of Representatives, that a joint committee consisting of three members from each branch of the Legislature be appointed to report at the next regular session of the Legislature upon the question of the general registration of the male residents of the Republic or of certain classes thereof, and to recommend such legislation as they may deem proper.

Approved this 8th day of August, 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

WHEREAS, By the provisions of Act 14 of the Republic of Hawaii entitled "An Act to provide for a Labor Commission" it is incumbent upon the Legislature to determine the compensation to be paid the members of such Commission.

BE IT RESOLVED, By the Senate and House of Representatives that from and out of the Five Thousand Dollars appro-

priated by said Act for the purpose of defraying the expenses of said Commission the sum of One Thousand Dollars be applied to the compensation of the members of the Commission, and that the apportionment of such sum between the several members of the Commission shall be such as the Executive Council shall determine.

Approved this 8th day of August, 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

WHEREAS, It is fitting that the Legislature of the Republic of Hawaii should, at its first session under the Constitution express its opinion upon the policy of annexation to the United States of America, therefore be it

RESOLVED, By the Senate and House of Representatives that the policy of annexation of this country to the United States of America is hereby endorsed.

RESOLVED, This declaration of opinion is based upon the firm belief that annexation will be for the best interests of the Hawaiian nation, and with the sincere hope that all who have the true interest of the nation at heart will be impelled to greater effort to accomplish that object.

Approved this 13th day of August, 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

WHEREAS, By an Act of the Legislature of the Republic of Hawaii entitled, "An Act to Facilitate the Construction and Maintenance of Telegraph Cables in the Pacific," approved August 12th, 1895, the President was authorized, with consent of the Cabinet, to negotiate and conclude a contract or contracts with any person or persons, corporation or corporations, Government or Governments, for the construction, maintenance and operation of a Telegraph Cable or Cables, connecting the several islands of the Republic, or connecting the Republic of Hawaii with the countries lying in or bordering on the Pacific Ocean; and,

WHEREAS, The provisions of said Act require that any contract concluded under or by virtue of the provisions thereof, involving the payment of any money, shall be subject to the ratification and approval of the Legislature; and,

WHEREAS, The President, with the consent of the Cabinet, has negotiated and concluded a contract with Zephaniah Swift Spalding for the construction, maintenance and operation of a telegraphic cable connecting the several islands of the Republic, and also of a telegraphic cable connecting the Republic of Hawaii with the West Coast of the United States of America, which contract involves the payment of money by the Republic of Hawaii to the said Zephaniah Swift Spalding; and,

WHEREAS, The President has transmitted such contract to the Legislature for its ratification and approval in accordance with the terms of said Act; now, therefore,

BE IT RESOLVED, By the Senate and House of Representa-

tives of the Republic of Hawaii, that the said contract shall be and hereby is ratified, approved and confirmed.

Approved this 14th day of August, A. D. 1895.

SANFORD B. DOLE,
President of the Republic of Hawaii.

[Faint handwritten text, possibly a signature or date, is visible below the printed text.]

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